

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

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AUBRY MCMAHON,

Plaintiff, Case No.: 2:21-cv-00920

-against-

WORLD VISION, INC.,

Defendant.

-----x

VIDEO CONFERENCE
DEPOSITION

February 16, 2023
2:00 p.m.

EXAMINATION BEFORE TRIAL of

MELANIE FREIBERG, a nonparty witness on behalf
of the Defendant herein, taken by the attorney(s)
for the Plaintiff, pursuant to Notice, held at
the above-mentioned time and place, before
THERESA RATIGAN, a shorthand reporter and Notary
Public within and for the State of New York.

Melanie Freiberg
February 16, 2023

<p>1</p> <p>2 A P P E A R A N C E S :</p> <p>3</p> <p>4 NISAR LAW GROUP, PC 5 Attorneys for Plaintiff 6 60 East 42nd Street, Suite 4600 7 New York, New York 10165</p> <p>8</p> <p>9 GAMMON & GRANGE, PC 10 Attorneys for Defendant 11 1945 Old Gallows Road 12 Tysons, Virginia 22182</p> <p>13</p> <p>14</p> <p>15</p> <p>16 A L S O P R E S E N T :</p> <p>17 STEVE McFARLAND, Chief Legal Officer for 18 World Vision Incorporated</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1</p> <p>2 M. Freiberg</p> <p>3 (Time noted: 2:06 p.m.)</p> <p>4 THE REPORTER: Good afternoon. My name 5 is Theresa Ratigan. I'm with U.S. Legal 6 Support, and I am the court reporter this 7 afternoon.</p> <p>8 The attorneys participating in this 9 deposition acknowledge that I am not 10 physically present in the deposition room and 11 that I will be reporting this deposition 12 remotely.</p> <p>13 They further acknowledge that, in lieu of 14 an oath administered in person, I will 15 administer the oath remotely under penalty of 16 perjury.</p> <p>17 The parties and their counsel consent to 18 this arrangement and waive any objections to 19 this manner of reporting.</p> <p>20 Please indicate your agreement by stating 21 your name and your agreement on the record; 22 counsels only, please.</p> <p>23 MR. WOLNOWSKI: Yes, Teri.</p> <p>24 MR. WARD: My name is Scott Ward, and 25 yes, I agree. (Identification of witness verified)</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 6</p> <p>1 M. Freiberg</p> <p>2 that you do not understand, or ask me to rephrase the</p> <p>3 question and I will do my best to do that.</p> <p>4 In other words, unless you tell me, I'll</p> <p>5 assume that by you answering the question, you had no</p> <p>6 problem understanding the question; is that okay?</p> <p>7 A I understand.</p> <p>8 Q If you'd like to take a break, we can do</p> <p>9 that; however, all that I ask is that if there is a</p> <p>10 pending question, please answer before we take a</p> <p>11 break.</p> <p>12 Do you understand?</p> <p>13 A I understand.</p> <p>14 Q Please verbalize your answers. Shaking</p> <p>15 of head or answers such as "uh-huh" may not</p> <p>16 necessarily be clear for the court reporter who is</p> <p>17 typing down your answers today.</p> <p>18 Also, please wait until I finish my</p> <p>19 question before you answer. Not only will that make</p> <p>20 for the creation of a cleaner record, it will also</p> <p>21 make the court reporter's life easier today.</p> <p>22 Is that okay?</p> <p>23 A Yes.</p> <p>24 Q Given we are conducting this deposition</p> <p>25 remotely via video, there are a few questions I would</p>	<p style="text-align: right;">Page 8</p> <p>1 M. Freiberg</p> <p>2 reporter; thus, are you aware that you are under oath</p> <p>3 today?</p> <p>4 A I understand that.</p> <p>5 Q Do you understand that the oath you took</p> <p>6 today is the same oath you would take as if this were</p> <p>7 a trial before a judge?</p> <p>8 A Yes, I do.</p> <p>9 Q Do you understand that with the oath you</p> <p>10 just took, you agreed to tell truth, the whole truth,</p> <p>11 and nothing but the truth?</p> <p>12 A Yes, I understand.</p> <p>13 Q The questions that I'm about to ask you</p> <p>14 are routine that I ask every person before I depose</p> <p>15 them.</p> <p>16 Are you under the influence of drugs or</p> <p>17 alcohol today?</p> <p>18 A I am not.</p> <p>19 Q Are you under the influence of any</p> <p>20 medication which may impair your ability to</p> <p>21 understand my questions or to tell the truth?</p> <p>22 A I am not.</p> <p>23 Q Can you think of any reason why you</p> <p>24 cannot provide truthful testimony here today?</p> <p>25 A I cannot.</p>
<p style="text-align: right;">Page 7</p> <p>1 M. Freiberg</p> <p>2 like to ask.</p> <p>3 Is there anyone else in the room aside</p> <p>4 from your two attorneys, Mr. Ward and Mr. McFarland,</p> <p>5 today?</p> <p>6 A There is not.</p> <p>7 Q If anybody enters the room where you are</p> <p>8 sitting during the deposition, I kindly ask that you</p> <p>9 please identify that person for me.</p> <p>10 Do you have any papers or documents in</p> <p>11 front of you or anything viewable on the computer</p> <p>12 screen aside from this video platform?</p> <p>13 A I do not.</p> <p>14 Q If at any point that changes, please</p> <p>15 inform me what documents you have in front of you or</p> <p>16 what is on your screen.</p> <p>17 I also kindly ask that you not</p> <p>18 communicate with your attorney or any other</p> <p>19 individual when testifying on the record, this</p> <p>20 include communication via text, e-mail, instant</p> <p>21 messaging, GChat, WhatsApp, or any other electronic</p> <p>22 chat function.</p> <p>23 Do you understand that?</p> <p>24 A I do.</p> <p>25 Q You were previously sworn in by the court</p>	<p style="text-align: right;">Page 9</p> <p>1 M. Freiberg</p> <p>2 Q Has anybody told you not to give truthful</p> <p>3 testimony here today?</p> <p>4 A No.</p> <p>5 Q Did you review any documents in</p> <p>6 preparation for today's deposition?</p> <p>7 A I did review my own documents.</p> <p>8 Q Can you please tell me which documents</p> <p>9 you reviewed in preparation for today's deposition?</p> <p>10 A E-mails that I sent, and I also reviewed</p> <p>11 documents that included correspondence that I had,</p> <p>12 and I reviewed basic information like the job</p> <p>13 description, that sort of thing.</p> <p>14 Q Anything else?</p> <p>15 A I don't think so, no.</p> <p>16 Q Did you listen to any audio recordings in</p> <p>17 preparation for today's deposition?</p> <p>18 A I did listen to an audio recording.</p> <p>19 Q Can you please tell me what the audio</p> <p>20 recording was of?</p> <p>21 A It was an audio recording that was taken</p> <p>22 without my consent by Ms. McMahon that included a</p> <p>23 portion of the discussion that I had with her on</p> <p>24 January 8th.</p> <p>25 Q Did you speak with anyone aside from your</p>

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<p style="text-align: right;">Page 10</p> <p>1 M. Freiberg</p> <p>2 attorney in preparation for today's deposition?</p> <p>3 A I did not.</p> <p>4 Q Ms. Freiberg, have you ever been deposed</p> <p>5 before?</p> <p>6 A I have not.</p> <p>7 Q For whom are you currently employed?</p> <p>8 A I'm employed with World Vision.</p> <p>9 Q Ms. Freiberg, do you have bachelor's</p> <p>10 degree?</p> <p>11 A I do.</p> <p>12 Q From where?</p> <p>13 A From Concordia University in Montreal,</p> <p>14 Canada.</p> <p>15 Q When did you receive that degree?</p> <p>16 A 1989.</p> <p>17 Q Do you have any degree beyond a</p> <p>18 bachelor's degree?</p> <p>19 A I do not.</p> <p>20 Q When did you first start working for</p> <p>21 World Vision?</p> <p>22 A In 2018.</p> <p>23 Q What was your position with World Vision</p> <p>24 when you first started working for them in 2018?</p> <p>25 A My position in 2018 was HR director,</p>	<p style="text-align: right;">Page 12</p> <p>1 M. Freiberg</p> <p>2 physically as opposed to working remotely?</p> <p>3 A Well, since the pandemic, I have been</p> <p>4 working primarily from home.</p> <p>5 Q So is it fair to say that since in or</p> <p>6 around March of 2022, you have been working primarily</p> <p>7 remotely for World Vision Incorporated?</p> <p>8 A Since the pandemic. Is that when the</p> <p>9 pandemic started? Was it -- when did the pandemic</p> <p>10 start; was it in March of --</p> <p>11 Q Well, we can di- -- we could probably</p> <p>12 dispute when it occurred and what parts of the world,</p> <p>13 but I think generally speaking, it's generally</p> <p>14 understood that it really hit the United States of</p> <p>15 America beginning March of 2020.</p> <p>16 A Yes.</p> <p>17 Q Okay.</p> <p>18 A Since --</p> <p>19 Q So --</p> <p>20 A Since that time, since March of 2020, I</p> <p>21 have been working primarily from home.</p> <p>22 Q Ms. Freiberg, if you could, please</p> <p>23 explain to me what were the primary duties and</p> <p>24 responsibilities of a person holding the title of</p> <p>25 HR director of talent management for World Vision as</p>
<p style="text-align: right;">Page 11</p> <p>1 M. Freiberg</p> <p>2 talent management.</p> <p>3 Q Did you have any position beyond that</p> <p>4 after 2018?</p> <p>5 A My current title is senior director --</p> <p>6 senior HR director, talent management.</p> <p>7 Q And when did you assume that role,</p> <p>8 Ms. Freiberg?</p> <p>9 A I -- last year in 2022.</p> <p>10 Q Aside from HR director, talent</p> <p>11 management, and senior director of talent management,</p> <p>12 have you held any other positions with World Vision?</p> <p>13 A I have not.</p> <p>14 Q Ms. Freiberg, what was your job title</p> <p>15 with World Vision in 2021?</p> <p>16 A It was HR director, talent management.</p> <p>17 Q In January of 2021, where was the office</p> <p>18 physically located from which you primarily worked?</p> <p>19 A It's located in Federal Way, Washington.</p> <p>20 Q Is that the same office out of which you</p> <p>21 primarily work as of today, February 16th, 2023?</p> <p>22 A I primarily work remotely at home since</p> <p>23 the pandemic.</p> <p>24 Q Ms. Freiberg, in the month of January of</p> <p>25 2021, how frequently did you work in the office</p>	<p style="text-align: right;">Page 13</p> <p>1 M. Freiberg</p> <p>2 of January of 2021.</p> <p>3 A The primary functions of my role in 2021</p> <p>4 are that I have responsibility over two teams; the</p> <p>5 talent acquisition team and the HR business partners.</p> <p>6 Q If you could, please explain to me the</p> <p>7 responsibilities over the talent acquisition team as</p> <p>8 it existed in January of 2021, from your</p> <p>9 recollection.</p> <p>10 A The talent acquisition team are</p> <p>11 responsible to work with hiring managers to fill open</p> <p>12 positions; they post roles, they source applicants,</p> <p>13 they screen candidates, coordinate interviews, and</p> <p>14 present offers to candidates.</p> <p>15 Q What you just described, were those more</p> <p>16 or less your core functions with respect to the</p> <p>17 talent acquisition team as part of the role of</p> <p>18 HR director, talent management in January of 2021 for</p> <p>19 World Vision Incorporated?</p> <p>20 MR. WARD: I'm going to object as to form</p> <p>21 and in a -- just -- sorry, I didn't catch it</p> <p>22 all. I'm going to object to the form.</p> <p>23 What month did you say?</p> <p>24 MR. WOLNOWSKI: January of 2021.</p> <p>25 MR. WARD: Okay. Thank you.</p>

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<p style="text-align: right;">Page 14</p> <p>1 M. Freiberg</p> <p>2 A My core responsibilities were to oversee</p> <p>3 the team that performed those functions.</p> <p>4 Q Ms. Freiberg, from your knowledge,</p> <p>5 experience, and observations, have those changed at</p> <p>6 all between January of 2021 and today?</p> <p>7 A They have not changed.</p> <p>8 Q At any point during your employment with</p> <p>9 World Vision Incorporated, have you received training</p> <p>10 regarding discrimination in the workplace?</p> <p>11 A Not specific training regarding</p> <p>12 discrimination in the workplace.</p> <p>13 Q Have you received any training regarding</p> <p>14 discrimination in the workplace?</p> <p>15 A Is your question again tied to January of</p> <p>16 2021?</p> <p>17 Q At any point during your employment with</p> <p>18 World Vision Incorporated.</p> <p>19 A I have received on-boarding in</p> <p>20 conjunction with my role to help me perform my role,</p> <p>21 which includes legal as well as, you know, employment</p> <p>22 policies in support of performing my role.</p> <p>23 Q Did any of the on-boarding you received</p> <p>24 include preventing discrimination in the workplace?</p> <p>25 A The -- the -- the on-boarding that I</p>	<p style="text-align: right;">Page 16</p> <p>1 M. Freiberg</p> <p>2 Aubrey Atwood?</p> <p>3 A Yes, I am.</p> <p>4 Q Now, Ms. Freiberg, going forward, I'm</p> <p>5 going to represent to you that Aubrey McMahon and</p> <p>6 Aubrey Atwood are the same person, and I will refer to</p> <p>7 her going forward as Aubrey McMahon, or simply Aubrey,</p> <p>8 or Ms. McMahon.</p> <p>9 Do you understand that?</p> <p>10 A I do.</p> <p>11 Q I'm sorry, I didn't hear your answer.</p> <p>12 A I do understand that.</p> <p>13 Q Was Aubrey McMahon an applicant for</p> <p>14 employment with World Vision Incorporated?</p> <p>15 A Yes.</p> <p>16 Q Do you recall the position with World</p> <p>17 Vision Incorporated for which she applied?</p> <p>18 A Yes. She applied for a position that is</p> <p>19 internally referenced -- the acronym is DSRT, and it</p> <p>20 stands for donor services representative trainee.</p> <p>21 Q Before we dive into talking about</p> <p>22 Ms. McMahon and her seeking employment with World</p> <p>23 Vision Incorporated, I'd first like to speak</p> <p>24 generally about the position of DSRT as you have</p> <p>25 described it; is that okay with you?</p>
<p style="text-align: right;">Page 15</p> <p>1 M. Freiberg</p> <p>2 received was tied to being a religious employer. So</p> <p>3 I learned, you know, World Vision rights as a result</p> <p>4 of being a religious employer.</p> <p>5 Q And if you could, please explain to me</p> <p>6 what that included.</p> <p>7 A Well, as a religious organization, we are</p> <p>8 able to require religious beliefs that align with</p> <p>9 World Vision's religious beliefs, and also to have</p> <p>10 certain expectations around conduct -- employee</p> <p>11 conduct that support those religious beliefs.</p> <p>12 Q When did that training take place as part</p> <p>13 of the on-boarding process, as you've mentioned? And</p> <p>14 by that, I mean, a month and a year or a season and a</p> <p>15 year, to the best of your recollection.</p> <p>16 A Well, on-boarding typically happens at</p> <p>17 the onset of employment. I started with World Vision</p> <p>18 in May of 2018, and the bulk of the on-boarding</p> <p>19 happened over the course of the first 60 to 90 days.</p> <p>20 And over the course of time, there is further</p> <p>21 learning that happens from being on the job that may</p> <p>22 not be a particular training class or program, but</p> <p>23 it's just other learning.</p> <p>24 Q Are you familiar with a person by the</p> <p>25 name of Aubrey McMahon, or perhaps you know her as</p>	<p style="text-align: right;">Page 17</p> <p>1 M. Freiberg</p> <p>2 A Yes.</p> <p>3 Q I'm going to show you what will be marked</p> <p>4 as Plaintiff's Exhibit Number 1. It is a document</p> <p>5 which is Bates-stamped WV 48 through 50.</p> <p>6 (WHEREUPON, the above-referred-to</p> <p>7 document, Bates-stamped WV-000048 through</p> <p>8 WV-000050, was marked as Plaintiff's</p> <p>9 Exhibit 1, for identification, as of this</p> <p>10 date, and displayed by the court reporter.)</p> <p>11 Q Ms. Freiberg, please review this document</p> <p>12 and let me know once you've completed doing so.</p> <p>13 A Okay. Can I review it on a screen,</p> <p>14 please?</p> <p>15 MR. WARD: Let me -- if it's all right,</p> <p>16 Counsel, let me see if I can show it on a</p> <p>17 second screen and put that in front of the</p> <p>18 witness.</p> <p>19 Give me just one second here.</p> <p>20 (WHEREUPON, the witness was given the</p> <p>21 opportunity to review the entirety of the</p> <p>22 document.)</p> <p>23 (Time noted: 2:29 p.m.)</p> <p>24 Q Have you had a chance to review this</p> <p>25 document?</p>

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<p>1 M. Freiberg</p> <p>2 A I have.</p> <p>3 Q Do you recognize this document?</p> <p>4 A I do.</p> <p>5 Q Have you ever seen it before?</p> <p>6 A Yes, I believe so.</p> <p>7 Q What is it?</p> <p>8 A It's a job posting.</p> <p>9 Q Was this a job posting for the position</p> <p>10 of customer service representative with World Vision</p> <p>11 Incorporated?</p> <p>12 A It was.</p> <p>13 Q Is this the position for which Aubry</p> <p>14 McMahon applied with World Vision Incorporated?</p> <p>15 A Can you -- could I ask the court reporter</p> <p>16 to just scroll up a little bit further to the -- to</p> <p>17 looking at the specific dates up top?</p> <p>18 THE REPORTER: (Complying)</p> <p>19 A Well, what this record shows is that</p> <p>20 it -- it has a start date of February 1st, it just</p> <p>21 doesn't have a year on it as the -- to show the start</p> <p>22 date because we wouldn't normally put that in a</p> <p>23 posting. So I -- I believe that this would be the</p> <p>24 posting that was used for Ms. McMahon, I'm just not</p> <p>25 able to -- it doesn't show the specific date and year</p>	<p>Page 18</p> <p>1 M. Freiberg</p> <p>2 customer service representative to "be sensitive to</p> <p>3 donor's needs and pray with them when appropriate,"</p> <p>4 as well as "perform other duties assigned"?</p> <p>5 A Yes.</p> <p>6 Q If you could, please explain to me what</p> <p>7 was contemplated with respect to number 12, which is</p> <p>8 "perform other duties as assigned."</p> <p>9 A I believe that would be a better question</p> <p>10 for somebody who works in that donor contact services</p> <p>11 organization. I would not be able to provide</p> <p>12 specifics.</p> <p>13 Q Okay. So, Ms. Freiberg, as you sit here</p> <p>14 today, you don't know what the "other duties as</p> <p>15 assigned" entails; is that correct?</p> <p>16 A That's correct. I could speculate, but I</p> <p>17 don't know for certain.</p> <p>18 Q Well, I prefer you not to speculate.</p> <p>19 I -- it's one of those questions where you either</p> <p>20 know or you don't. And if you don't know, that's</p> <p>21 okay; but if you don't know, please tell me you don't</p> <p>22 know.</p> <p>23 A No. I don't know what those other duties</p> <p>24 are.</p> <p>25 Q Ms. Freiberg, in January of 2021, was it</p>
<p>1 M. Freiberg</p> <p>2 or the start date for this position.</p> <p>3 Q If you can explain to me, exactly what</p> <p>4 were the core functions and responsibilities of a</p> <p>5 customer service representative in January of 2021?</p> <p>6 A Well, this -- this position is, you know,</p> <p>7 the voice of World Vision, so this position is</p> <p>8 responsible to speak with donors and to be able to</p> <p>9 represent World Vision to those donors. This person</p> <p>10 must understand, as it describes in the document, who</p> <p>11 we are as an organization. The individual must be</p> <p>12 able to understand our vision, our mission, our</p> <p>13 strategies, our work, and must be able to pray with</p> <p>14 donors, must be able to be a witness to Jesus in how</p> <p>15 they perform their call center position.</p> <p>16 Q Ms. Freiberg, I'd like to direct your</p> <p>17 attention to page -- the second page, which is WV 49.</p> <p>18 MR. WOLNOWSKI: If you could -- Teri, if</p> <p>19 you could just please scroll down just a bit.</p> <p>20 THE REPORTER: (Complying)</p> <p>21 Q Ms. Freiberg, I'd like to direct your</p> <p>22 attention to numbers 11 and 12.</p> <p>23 Can you see those?</p> <p>24 A Yes.</p> <p>25 Q Were two of the core functions of a</p>	<p>Page 19</p> <p>1 M. Freiberg</p> <p>2 contemplated that an employee in the position of</p> <p>3 customer service representative would lead a</p> <p>4 congregation or be expected to regularly conduct</p> <p>5 religious services as part of his or her job</p> <p>6 responsibilities for World Vision Incorporated?</p> <p>7 MR. WARD: I'm going to object to the</p> <p>8 question. It's vague and ambiguous. It's</p> <p>9 also calling for a legal conclusion in some</p> <p>10 sense.</p> <p>11 You may answer to the extent you</p> <p>12 understand it.</p> <p>13 A Can you help me understand what you mean</p> <p>14 by "lead a congregation"?</p> <p>15 Q Do you understand what it means to lead a</p> <p>16 congregation?</p> <p>17 A Not in the context of this job.</p> <p>18 Q One moment.</p> <p>19 So I will define "lead" as it's defined</p> <p>20 by Merriam-Webster as "to guide on a way especially</p> <p>21 by going in advance or to direct on a course or in a</p> <p>22 direction or to serve as a channel for."</p> <p>23 And I will define for you "congregation"</p> <p>24 per Merriam-Webster as "an assembly of persons or a</p> <p>25 religion community."</p>

	Page 22		Page 24
1	M. Freiberg	1	M. Freiberg
2	Does that help you in guiding your	2	question; vague and ambiguous, compound and
3	answer?	3	complex, and to the extent it calls for a
4	MR. WARD: Go ahead, you may answer.	4	legal conclusion.
5	A Well, this role doesn't lead a	5	And, Counsel, there -- it might be
6	congregation. The closest kind of responsibility	6	something where we should talk briefly without
7	that would meet this definition is that a member of	7	the witness present, because I want to make
8	the donor contact services group may lead devotions	8	sure -- part of what you're asking, I think,
9	for their team, they may be part in leading a chapel	9	is legitimate, but there's part of it that I
10	in our work, they may lead a donor in prayer.	10	want to clarify, and I want to do that in a
11	Q Now, you used the word "may."	11	way that doesn't get in the way of your
12	Is it something that is obligatory as	12	appropriate questioning. So I don't know, if
13	part of the job, to lead devotions, to lead chapels,	13	you -- if you want to keep going, I can keep
14	or lead donors in prayer?	14	objecting, we can keep going forward; but if
15	A The devotions are an expectation to	15	it's helpful to talk outside the presence of
16	participate in devotions. At World Vision, teams	16	the witness, I'm happy to do that as well.
17	decide how those devotions are lead, whether those	17	MR. WOLNOWSKI: That's fine.
18	devotions are shared among team members or -- you	18	I would -- first, if you can please
19	know, so the actual execution may vary across teams.	19	answer the question.
20	In terms of expectation to lead chapel, it is an	20	We can speak on a break, if you'd like.
21	expectation to attend chapel, but leading a chapel is	21	But again, I spoke about this with your
22	not -- it, you know, occurs, you know, based on	22	colleague before the deposition about speaking
23	interest and desire to lead. And in DCS, each year	23	objections.
24	since I've joined at World Vision, there has been a	24	Again, the rules are very clear that
25	devo- -- or, sorry, a chapel led by DCS and --	25	they're limited in terms of objecting and
	Page 23		Page 25
1	M. Freiberg	1	M. Freiberg
2	Q Now, Ms. Freiberg, I -- I want you to	2	speaking objections. I kind of ask that we
3	finish here, but just so we're clear, what does "DCS"	3	could all just adhere to those rules.
4	stand for?	4	Ms. Freiberg, if you understand the
5	A The donor contact services. So that is	5	question, if you could please answer it.
6	the name of this team.	6	Teri, it might be easier for you to read
7	Q Understood.	7	it back.
8	Please continue.	8	(WHEREUPON, the previous question was
9	A So I believe I was saying that in the	9	read by the court reporter.)
10	time that I have been at World Vision, each year	10	A Okay.
11	there is a chapel led by that team -- by DCS, and so	11	MR. WARD: And I renew the same
12	it's possible that a -- a team member may take part	12	objections.
13	in leading that or in organizing that chapel. And --	13	You may answer.
14	yeah, so that -- that would be the example around	14	A Okay. What -- what is a requirement of
15	chapel.	15	the role is to be able to lead prayer with donors on
16	Q But would it be obligatory and -- in	16	call with them. To lead a devotion or to lead a
17	other words, if someone said, "I either can't or	17	chapel would not be a required expectation, but it
18	won't do that," would that be a disqualifier for	18	would be welcomed. On -- on the devotions, each --
19	work? And when I say "disqualifier," I mean, would	19	because each team manages that in their own unique
20	they be -- not be able to work because they are	20	way, I can't speak for what the expectation is at DCS
21	either unable or refusing to lead as opposed to just	21	for leading devotions. In my department, as an
22	be --	22	example, in human resources, each person leads
23	MR. WARD: Let me --	23	devotions and we rotate it around, and it's a -- just
24	Q -- as opposed to merely be a participant?	24	an expectation.
25	MR. WARD: I'm going to object to the	25	Q So just to be clear, Ms. Freiberg, you

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<p>1 M. Freiberg Page 26</p> <p>2 previously testified, if I understand, that customer</p> <p>3 service representatives may lead donors in prayer; is</p> <p>4 that correct?</p> <p>5 A And when I said "may," I meant that not</p> <p>6 every donor call may require prayer. So it would be</p> <p>7 at the opportune time, but the expectation to pray</p> <p>8 is -- is an expectation, because that's part of who</p> <p>9 we are.</p> <p>10 Q And is it an expectation that the</p> <p>11 customer service representative will initiate prayer?</p> <p>12 A I don't know enough about that.</p> <p>13 Q Is it an expectation that the customer</p> <p>14 service representative would lead prayer?</p> <p>15 MR. WARD: I'm going to object as vague</p> <p>16 and ambiguous.</p> <p>17 But you may answer.</p> <p>18 A Well, I -- I think I'm not really</p> <p>19 understanding the distinction. The expectation is</p> <p>20 that the donor contact services representative would</p> <p>21 pray either with or for or on behalf of the donor,</p> <p>22 which then means that they may be leading it, or they</p> <p>23 may be a participant in the prayer, or they may even</p> <p>24 be a recipient of the prayer.</p> <p>25 Q With respect to this number 11 where it</p>	<p>1 M. Freiberg Page 28</p> <p>2 I -- I don't know.</p> <p>3 Q In January of 2021, did a person employed</p> <p>4 in the position of customer service representative</p> <p>5 with World Vision Incorporated require a significant</p> <p>6 degree of religious training followed by a formal</p> <p>7 process of commissioning?</p> <p>8 MR. WARD: I'm going to object to that to</p> <p>9 the extent it calls for a legal conclusion.</p> <p>10 A Can you define "significant religious</p> <p>11 training"?</p> <p>12 Q Well, sure.</p> <p>13 So according to Merriam-Webster,</p> <p>14 having -- "significant" is defined as "having meaning</p> <p>15 or having or likely to have influence or effect."</p> <p>16 According to Merriam-Webster dictionary,</p> <p>17 the word "religious" is defined as "relating to or</p> <p>18 manifesting faithful devotion to an acknowledged</p> <p>19 ultimate reality or deity."</p> <p>20 And according to Merriam-Webster</p> <p>21 dictionary, the word "training" is defined as "the</p> <p>22 act, process, or method of one that trains or the</p> <p>23 skill, knowledge, or experience required by one that</p> <p>24 trains."</p> <p>25 MR. WARD: I'm going to renew the same</p>
<p>1 M. Freiberg Page 27</p> <p>2 states, "Be sensitive to donor's needs and pray with</p> <p>3 them when appropriate," to your knowledge, did</p> <p>4 customer service representatives, at least in</p> <p>5 January of 2021, did they receive training on when to</p> <p>6 determine when it was appropriate to engage in prayer</p> <p>7 with respect to speaking to a donor?</p> <p>8 A I'm not familiar with the details of the</p> <p>9 training program.</p> <p>10 Q So your answer is, in essence, you don't</p> <p>11 know?</p> <p>12 A Yes. I cannot speak to the details</p> <p>13 and -- I cannot speak to the detail of what the</p> <p>14 training entails.</p> <p>15 Q Do you know if there is any written</p> <p>16 materials, whether it be a guidebook, instruction</p> <p>17 manual, training manual, that would outline these or</p> <p>18 that would contain guidance as to this?</p> <p>19 MR. WARD: Objection as to form; vague</p> <p>20 and ambiguous.</p> <p>21 You may answer.</p> <p>22 A I have not seen that myself in my role.</p> <p>23 Q Do you know whether or not one exists?</p> <p>24 A I know that there is an extensive</p> <p>25 training program, but as to the documentation of it,</p>	<p>1 M. Freiberg Page 29</p> <p>2 objections, obviously.</p> <p>3 A It -- I think what I can say is that</p> <p>4 what's needed for the role is what's described in the</p> <p>5 position as the requirements.</p> <p>6 Q Well, what I can say is that, in my view</p> <p>7 of this, that the posting with respect to customer</p> <p>8 service representatives as exhibited in Plaintiff's</p> <p>9 Exhibit 1, it does not state that there is a</p> <p>10 requirement of significant religious training</p> <p>11 followed by a formal process of commissioning.</p> <p>12 Would you agree with my conclusion?</p> <p>13 MR. WARD: So I'm going to object to the</p> <p>14 extent it calls for a legal conclusion to the</p> <p>15 extent it's seeking an opinion without</p> <p>16 establishing a foundation, and to the extent</p> <p>17 that it's calling for speculation.</p> <p>18 Other than that, you can answer.</p> <p>19 A I'm not sure how to answer that question.</p> <p>20 Q Well, I asked you for your personal</p> <p>21 opinion.</p> <p>22 MR. WARD: Same objections, obviously.</p> <p>23 A I agree that it does not require any sort</p> <p>24 of religious training or certification, which I think</p> <p>25 was part of your question.</p>

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<p>1 M. Freiberg Page 30</p> <p>2 Q Does it require any kind of formal</p> <p>3 process of commissioning?</p> <p>4 MR. WARD: I'm going to object to that as</p> <p>5 vague and ambiguous, and to the extent it</p> <p>6 calls for a legal conclusion.</p> <p>7 Q You can answer the question if you</p> <p>8 understand it, Ms. Freiberg.</p> <p>9 A I -- I don't think I understand the term</p> <p>10 "commissioning" in the context of the employment of a</p> <p>11 donor contact services representative.</p> <p>12 Q According to Merriam-Webster's</p> <p>13 dictionary, "commissioning" is a noun related to the</p> <p>14 word "commission," which is "a formal written warrant</p> <p>15 granting to perform various acts or duties."</p> <p>16 A Well, the -- you know, the -- the closest</p> <p>17 I can answer your question is that, at the end of the</p> <p>18 11-week training, a person is -- either passes the</p> <p>19 training or they don't pass the training, and then</p> <p>20 they may perform the full essential functions of the</p> <p>21 role.</p> <p>22 Q Does that training period include</p> <p>23 religious training?</p> <p>24 A I don't know the details of the training.</p> <p>25 Q Ms. Freiberg, in January of 2021, did a</p>	<p>1 M. Freiberg Page 32</p> <p>2 ministering to others through life, deed, word, and</p> <p>3 sign," that would be how I would describe it to be an</p> <p>4 elegies to ministry.</p> <p>5 Q So is your answer yes --</p> <p>6 A Yeah.</p> <p>7 Q -- that a person -- a customer service</p> <p>8 representative employed by World Vision Incorporated</p> <p>9 in January of 2021 had functions similar to those of</p> <p>10 a minister?</p> <p>11 MR. WARD: I'll renew the same</p> <p>12 objections.</p> <p>13 Subject to that, you may answer.</p> <p>14 A I would say yes, that there are</p> <p>15 similarities in that way.</p> <p>16 Q Was it a requirement of the job of</p> <p>17 customer service representative for World Vision</p> <p>18 Incorporated in January of 2021 to proclaim the</p> <p>19 gospel of Jesus Christ?</p> <p>20 A Yes.</p> <p>21 Q Was it a mandatory duty of a person in</p> <p>22 the position of customer service representative for</p> <p>23 World Vision Incorporated in January of 2021 to</p> <p>24 administer the sacraments?</p> <p>25 MR. WARD: I'm going to object as vague</p>
<p>1 M. Freiberg Page 31</p> <p>2 person employed in the position of customer service</p> <p>3 representative for World Vision Incorporated have</p> <p>4 functions similar to those of a minister?</p> <p>5 MR. WARD: I'm going to object to the</p> <p>6 question as vague and ambiguous, as assuming</p> <p>7 facts not in evidence, and to the extent it</p> <p>8 calls for a legal conclusion or opinion.</p> <p>9 Subject to that, you may answer.</p> <p>10 A Well, again, I would say that this</p> <p>11 position in how it's described --</p> <p>12 If -- if you could scroll up a little</p> <p>13 bit, Teri.</p> <p>14 THE REPORTER: (Complying)</p> <p>15 A Sorry. So number 1 that says, "Keep</p> <p>16 Christ central in our individual and corporate</p> <p>17 lives." So I guess I'd just call that out as similar</p> <p>18 to what you might experience in a church.</p> <p>19 And, also, if you could scroll up a</p> <p>20 little bit more, Teri.</p> <p>21 THE REPORTER: (Complying)</p> <p>22 A The -- the kind of last sentence that</p> <p>23 says, "Help carry out our Christian organization's</p> <p>24 mission, vision, and strategies. Personify the</p> <p>25 mission of World Vision by witnessing to Christ and</p>	<p>1 M. Freiberg Page 33</p> <p>2 and ambiguous, and including lack of</p> <p>3 foundation.</p> <p>4 Other than that, you may answer.</p> <p>5 A Can you define that term?</p> <p>6 Q Sure.</p> <p>7 The word "administer," I'll define it</p> <p>8 pursuant to Merriam-Webster dictionary, "to manage or</p> <p>9 supervise the execution, use, or conduct of."</p> <p>10 With respect to the word "sacraments,"</p> <p>11 according to Merriam-Webster's dictionary, it is</p> <p>12 defined as "a Christian right, such as baptism or the</p> <p>13 Eucharist that is believed to have been ordained by</p> <p>14 Christ and that is held to be a means of defined</p> <p>15 grace or to be a sign or symbol of a spiritual</p> <p>16 reality."</p> <p>17 A They're very difficult questions to</p> <p>18 answer.</p> <p>19 What I would say is that the role of the</p> <p>20 DCS agent is to be a witness to Jesus Christ and</p> <p>21 to -- you know, I know we've just read this, but to</p> <p>22 do this through life, deed, word, and sign. So that</p> <p>23 means proclaiming who Jesus is, embracing the power</p> <p>24 of Jesus and the -- the healing nature of prayer</p> <p>25 and -- and -- and our love for the poor.</p>

<p>1 M. Freiberg Page 34</p> <p>2 Q Was it an expectation that a customer</p> <p>3 service representative employed by World Vision</p> <p>4 Incorporated in January of 2021 would perform</p> <p>5 baptisms?</p> <p>6 A No.</p> <p>7 Q Was it an expectation that he or she</p> <p>8 would administer communion?</p> <p>9 A No.</p> <p>10 Q Could a customer service</p> <p>11 representative -- excuse me. Question withdrawn.</p> <p>12 Was there an expectation of -- that a</p> <p>13 customer service representative of World Vision</p> <p>14 Incorporated could marry people in the Christian</p> <p>15 faith?</p> <p>16 MR. WARD: Object as -- object as vague</p> <p>17 and ambiguous.</p> <p>18 You may answer.</p> <p>19 A No.</p> <p>20 Q In January of 2021, was -- was -- is it</p> <p>21 expected of a person employed in the position of</p> <p>22 customer service representative for World Vision</p> <p>23 Incorporated to perform religious duties for the</p> <p>24 purpose of religious education or instruction?</p> <p>25 MR. WARD: I'll object as vague and</p>	<p>1 M. Freiberg Page 36</p> <p>2 pay scale relative to other positions at World</p> <p>3 Vision, but it is a very essential function -- a very</p> <p>4 essential role at World Vision because it is the</p> <p>5 voice of World Vision to the donors. And I --</p> <p>6 Q When did you -- I'm sorry --</p> <p>7 A I was just --</p> <p>8 Q -- go ahead.</p> <p>9 A I was just -- add one more piece to that,</p> <p>10 which is that, you know, the training program is</p> <p>11 9-to-11-weeks long, which is a very long period of</p> <p>12 time for a position. And so, you know, I just -- I</p> <p>13 add that just in terms of the depth, I think, that is</p> <p>14 required for people to be able to perform that role.</p> <p>15 Q Anything else, Ms. Freiberg?</p> <p>16 A No. Thank you.</p> <p>17 Q When did you first learn about Aubry</p> <p>18 McMahon applying to work for World Vision</p> <p>19 Incorporated?</p> <p>20 A I learned about her application on</p> <p>21 January 5th.</p> <p>22 Q At some point, did you learn that an</p> <p>23 offer of employment had been extended to Aubry</p> <p>24 McMahon to work for World Vision Incorporated in the</p> <p>25 position of customer service representative?</p>
<p>1 M. Freiberg Page 35</p> <p>2 ambiguous, and to the extent it calls for a</p> <p>3 legal conclusion.</p> <p>4 Subject to that, you may answer.</p> <p>5 A Can you repeat the substantive part of</p> <p>6 the question, the expectation -- just can you</p> <p>7 complete that last part of the sentence, please?</p> <p>8 MR. WOLNOWSKI: Ms. Ratigan, could you</p> <p>9 read the question back when you have a moment?</p> <p>10 (WHEREUPON, the previous question was</p> <p>11 read by the court reporter.)</p> <p>12 MR. WARD: Renew the same objections.</p> <p>13 A So there was not -- there's not a</p> <p>14 requirement, but there is an encouragement to</p> <p>15 participate in leading devotions and -- and chapel --</p> <p>16 and participating in chapel. So that can include</p> <p>17 being educated, but also in serving to educate others</p> <p>18 through sharing of the word and prayer and -- and</p> <p>19 religious function in that per- -- in that sense.</p> <p>20 Q Would you characterize the position of</p> <p>21 customer service representative as a relatively</p> <p>22 low-level position in terms of World Vision's</p> <p>23 employment hierarchy in January of 2021?</p> <p>24 A I would describe it as a position that</p> <p>25 has -- like it has -- you know, it is lower on the</p>	<p>1 M. Freiberg Page 37</p> <p>2 A No, I did not know of that fact.</p> <p>3 Q Ms. Freiberg, I'd like to show you what</p> <p>4 will be marked as Plaintiff's Exhibit Number 2. It</p> <p>5 is a document which bears Bates-stamp numbers WV 78</p> <p>6 through 79.</p> <p>7 (WHEREUPON, the above-referred-to</p> <p>8 document, Bates-stamped WV-000078 through</p> <p>9 WV-000079, was marked as Plaintiff's</p> <p>10 Exhibit 2, for identification, as of this</p> <p>11 date, displayed by the court reporter, and the</p> <p>12 witness was given the opportunity to review</p> <p>13 the entirety of the document.)</p> <p>14 (Time noted: 3:05 p.m.)</p> <p>15 Q Ms. Freiberg, have you had a chance to</p> <p>16 review this document that I've provided to you and</p> <p>17 which has been marked as Plaintiff's Exhibit</p> <p>18 Number 2?</p> <p>19 A Yes.</p> <p>20 Q Do you recognize this document?</p> <p>21 A I do.</p> <p>22 Q Have you ever seen it before?</p> <p>23 A Yes.</p> <p>24 Q What is this document?</p> <p>25 A This is an offer letter.</p>

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<p style="text-align: right;">Page 38</p> <p>1 M. Freiberg</p> <p>2 Q If you could please explain to me, what</p> <p>3 is this offer letter meant to communicate?</p> <p>4 A It is meant to confirm our offer of</p> <p>5 employment and the associated details surrounding the</p> <p>6 job, the pay, the start date, and a few other details</p> <p>7 that are expectations and requirements for working at</p> <p>8 World Vision.</p> <p>9 Q It appears as though this letter was --</p> <p>10 question withdrawn.</p> <p>11 At the bottom of the first page, it</p> <p>12 appears as though the author or the sender of this</p> <p>13 letter is a woman by the name of Catherine Miolla;</p> <p>14 would you agree, Ms. Freiberg?</p> <p>15 A Yes, Catherine Miolla is -- was the</p> <p>16 author of this letter.</p> <p>17 Q If you could, please explain to me as of</p> <p>18 January 5th, 2021 what role Catherine Miolla had with</p> <p>19 World Vision Incorporated.</p> <p>20 A Catherine's position is a talent</p> <p>21 acquisition partner, which is another word for</p> <p>22 recruiter. So she was a recruiter assigned to this</p> <p>23 class of the DCS trainees that were hired in that</p> <p>24 time period.</p> <p>25 Q Was she part of the talent acquisition</p>	<p style="text-align: right;">Page 40</p> <p>1 M. Freiberg</p> <p>2 document that was exchanged during the discovery</p> <p>3 phase of this case's litigation.</p> <p>4 If you could, Ms. Freiberg, please take a</p> <p>5 minute to review it and let me know once you've</p> <p>6 completed doing so.</p> <p>7 (WHEREUPON, the above-referred-to</p> <p>8 document, Bates-stamped WV-000080 was marked</p> <p>9 as Plaintiff's Exhibit 3, for identification,</p> <p>10 as of this date, and displayed by the court</p> <p>11 reporter.)</p> <p>12 THE WITNESS: I've read it.</p> <p>13 Q Okay. Ms. Freiberg, do you recognize</p> <p>14 this document?</p> <p>15 A I do.</p> <p>16 Q Have you ever seen it before?</p> <p>17 A I have.</p> <p>18 Q When is it that you first saw it, from</p> <p>19 your recollection?</p> <p>20 A On January 5th.</p> <p>21 Q Now, Ms. Freiberg, Plaintiff's Exhibit 3</p> <p>22 is a document which shows an e-mail from Aubry</p> <p>23 McMahon to Catherine Miolla on Tuesday, January 5th,</p> <p>24 2021 at 11:56 p.m. The subject states, "Quick</p> <p>25 Question," and the body of the e-mail reads -- and</p>
<p style="text-align: right;">Page 39</p> <p>1 M. Freiberg</p> <p>2 team that you oversaw in January of 2021?</p> <p>3 A Yes.</p> <p>4 Q Was she your subordinate in January of</p> <p>5 2021?</p> <p>6 A Yes.</p> <p>7 Q Were you her supervisor?</p> <p>8 A Yes.</p> <p>9 Q Did you have the power to terminate her</p> <p>10 employment if you had wished in January of 2021?</p> <p>11 A Within limits, but yes, I have hire/fire</p> <p>12 responsibility in my role.</p> <p>13 Q To your knowledge and recollection,</p> <p>14 Ms. Freiberg, is it correct that an official offer of</p> <p>15 employment had been made to Aubry McMahon to work for</p> <p>16 World Vision Incorporated as of January 5th, 2021 at</p> <p>17 the latest?</p> <p>18 A Yes, I agree with that.</p> <p>19 Q Would you agree that this letter</p> <p>20 constitutes an offer of employment for World Vision</p> <p>21 Incorporated?</p> <p>22 A Yes, it is an offer of employment.</p> <p>23 Q I will show you what will be marked as</p> <p>24 Plaintiff's Exhibit Number 3. It's a document that</p> <p>25 is Bate-stamped WV 80, and represent that it is a</p>	<p style="text-align: right;">Page 41</p> <p>1 M. Freiberg</p> <p>2 I'm going to read this into the transcript.</p> <p>3 "Hey there, I just have a quick question.</p> <p>4 My wife and I are expecting our first baby in March</p> <p>5 and I wanted to see if I would qualify for any time</p> <p>6 off for this since I'll be a new employee? I will be</p> <p>7 the one having the baby, so I just wanted to check to</p> <p>8 see if any time would be allowed off. If not, no</p> <p>9 worries. Thanks so much. Aubry."</p> <p>10 First and foremost, would you agree that</p> <p>11 this is an e-mail sent from Aubry McMahon to</p> <p>12 Catherine Miolla on January 5th, 2021?</p> <p>13 A Yes, I agree with that.</p> <p>14 Q Please explain to me, to the extent that</p> <p>15 you know, the duties and responsibilities of a talent</p> <p>16 acquisition professional as that job existed with</p> <p>17 World Vision Incorporated in January of 2021.</p> <p>18 A The role of the talent acquisition</p> <p>19 partner in 2021 would be to work with hiring managers</p> <p>20 on open positions to post, they would work through</p> <p>21 the posting process, they would source applicants as</p> <p>22 needed, they would screen candidates and/or</p> <p>23 candidates that would move to hiring manager</p> <p>24 interviews, they would present those candidates and</p> <p>25 help facilitate and coordinate interviews and present</p>

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<p>1 M. Freiberg Page 42</p> <p>2 offers and salaries to these prospective employees</p> <p>3 to -- to these -- to the successful candidates.</p> <p>4 Q Would you agree that in this e-mail, it</p> <p>5 could be reasonably discerned that Aubry McMahon was</p> <p>6 in a same-sex marriage with a woman?</p> <p>7 A It was a question that we sought to</p> <p>8 understand.</p> <p>9 Q So is your testimony here today that it</p> <p>10 was not -- it could not be reasonably discerned?</p> <p>11 A We sought to clarify whether that was</p> <p>12 true.</p> <p>13 Q When you first read this e-mail, was it</p> <p>14 your first inclination to understand what Ms. McMahon</p> <p>15 wrote as her being in a same-sex marriage with a</p> <p>16 woman, given that Aubry was a woman and mentions in</p> <p>17 this e-mail that she has a wife?</p> <p>18 MR. WARD: I'm going to object as to form</p> <p>19 and as vague and ambiguous, compound and</p> <p>20 complex.</p> <p>21 You may answer.</p> <p>22 A Our first inclination was to seek</p> <p>23 understanding, because in the phone screen that</p> <p>24 Ms. Miolla conducted with Ms. McMahon, she responded</p> <p>25 in a way that was contrary to this e-mail, so we</p>	<p>1 M. Freiberg Page 44</p> <p>2 that could be the case.</p> <p>3 Q What likelihood would you -- if you</p> <p>4 recall, did you think that she was married in a</p> <p>5 same-sex marriage with a woman; would you say greater</p> <p>6 than 50 percent, less than 50 percent, something</p> <p>7 else?</p> <p>8 MR. WARD: Objection as to form and to</p> <p>9 the extent it calls for speculation.</p> <p>10 You may answer.</p> <p>11 A I'm not sure what percentage I would</p> <p>12 allocate to it, but I -- we wanted to know whether</p> <p>13 this was what she intended to express.</p> <p>14 Q So when I ask a question about what you</p> <p>15 thought, I would ask that you kindly limit your</p> <p>16 response to what you thought, not "we," as in kind of</p> <p>17 what a group was trying to do or was thinking. I'm</p> <p>18 asking you about your thoughts or opinions or views.</p> <p>19 A Okay. I wanted to know whether she</p> <p>20 intended to write her wife or if that was an error.</p> <p>21 Q Did you ever find out whether or not she</p> <p>22 indeed was in a same-sex marriage?</p> <p>23 A I did.</p> <p>24 Q And when did you find out?</p> <p>25 A On January 8th.</p>
<p>1 M. Freiberg Page 43</p> <p>2 wanted to seek to understand whether this e-mail was</p> <p>3 correct.</p> <p>4 Q But did you -- when reading this e-mail</p> <p>5 for the first time, when you read it, did you believe</p> <p>6 that there was a likelihood that Aubry was in a</p> <p>7 same-sex marriage with a woman?</p> <p>8 A We sought to clarify that was true. On</p> <p>9 face value, that's what that would say.</p> <p>10 Q I'm not asking what it would say to</p> <p>11 somebody. I'm asking what it said to you.</p> <p>12 Is that how you read it?</p> <p>13 MR. WARD: Object as to form.</p> <p>14 You may answer.</p> <p>15 A I think what I'm trying to say is that</p> <p>16 this e-mail shows disconfirming information to the</p> <p>17 phone screen that we collected, so we wanted to reach</p> <p>18 her to understand what -- what was this telling us.</p> <p>19 Q Okay. I'm not sure that answers the</p> <p>20 question, but let me try to answer in a different</p> <p>21 way -- let me try to ask it a different way.</p> <p>22 When you first read this e-mail, did you,</p> <p>23 Ms. Freiberg, think that Aubry McMahon was in a</p> <p>24 same-sex marriage with a woman?</p> <p>25 A I thought that based off of this e-mail,</p>	<p>1 M. Freiberg Page 45</p> <p>2 Q And how is it you found out on</p> <p>3 January the 8th?</p> <p>4 A Well, after we received -- after this</p> <p>5 e-mail was received, Catherine sought to speak with</p> <p>6 her multiple times. And finally, on January 8th,</p> <p>7 Catherine and I spoke with Ms. McMahon, and she</p> <p>8 confirmed that she was in a same-sex marriage.</p> <p>9 Q Ms. Freiberg, when you first read this</p> <p>10 e-mail that is marked as Plaintiff's Exhibit</p> <p>11 Number 3, did you discern that Aubry McMahon was</p> <p>12 somebody who was LGBTQ? And I will define LGBTQ as</p> <p>13 an acronym for lesbian, gay, bisexual, transgender,</p> <p>14 or queer, slash, questioning.</p> <p>15 MR. WARD: So I'm going to object to form</p> <p>16 and as vague and ambiguous.</p> <p>17 But you may answer.</p> <p>18 A I was not looking to determine -- I was</p> <p>19 not looking to determine whether she identified as</p> <p>20 LGBTQ. I was looking to confirm whether she could</p> <p>21 comply with our standards of conduct.</p> <p>22 Q Ms. Freiberg, when you first read this</p> <p>23 e-mail which is marked as Plaintiff's Exhibit</p> <p>24 Number 3, did you believe after having first read it</p> <p>25 that Aubry may have been LGBTQ?</p>

<p>1 M. Freiberg Page 46 2 MR. WARD: I'm going to object as to 3 form; vague and ambiguous to the extent -- 4 Otherwise, you can answer. 5 A I -- I agree with the statement "may," 6 because that was -- the intent was to clarify whether 7 this was true or this was not true. 8 Q So in reading this e-mail for the first 9 time, you believed that there was a possibility that 10 Aubry McMahon was LGBTQ; is that correct? 11 A I did not say that. I -- I -- what I 12 said was that I knew that she had responded in a way 13 that complied with our standards of conduct. And 14 that if she was in a same-sex marriage, she would not 15 be able to comply with our stan- -- with our 16 standards of conduct. And I sought to confirm 17 whether that was true or not. 18 Q So in reading this e-mail for the first 19 time, did you formulate a belief as to whether or not 20 Aubry McMahon may or may not be LGBTQ? 21 A I did not. 22 Q So if I'm understanding this, when you 23 read this e-mail and a woman wrote that she had a 24 wife, it didn't connect to you that this person may 25 be LGBTQ?</p>	<p>1 M. Freiberg Page 48 2 Oh, and argumentative also. 3 A I would say that what I was -- what -- 4 what I considered was a possibility was that she was 5 not going to be able to comply with our standards of 6 conduct. 7 Q But when you -- in reading this for the 8 first time, did you ever formulate a belief as to 9 whether or not Aubry McMahon was LGBTQ? 10 MR. WARD: I'm going to object as asked 11 and answered and vague and ambiguous. 12 You may answer. 13 A Well, I have to restate my answer, which 14 is that I was -- I -- I formed the belief that she 15 may not be able to comply with our standards of 16 conduct, and so I -- I was seeking to speak with her 17 about that. 18 Q Again, I'm not sure that answers the 19 question. 20 MR. WOLNOWSKI: Could you please read 21 back the question, Ms. Ratner? 22 (WHEREUPON, the previous question was 23 read by the court reporter.) 24 A I did not form that belief because I was 25 not seeking to understand that. What I was seeking</p>
<p>1 M. Freiberg Page 47 2 MR. WARD: I'm going to object to form; 3 vague and ambiguous and argumentative. 4 You may answer. 5 A Well, Mr. Wolnowski, what we were seeking 6 to do was dis- -- it -- it was to seek to understand 7 to determine whether this was as it appeared as it 8 was written or whether there was an error. 9 Q I'm not sure that answers the question. 10 MR. WOLNOWSKI: Could you please read the 11 question back, Ms. Ratner (sic)? 12 MR. WARD: Counsel, can you let the 13 witness finish her answer? 14 Q Were you done with your answer, 15 Ms. Freiberg? 16 A No, I just have a little bit more to add 17 to that, which is that I did not want to conclude 18 until I had the opportunity to speak with her. 19 Q But nevertheless, when you first read 20 this e-mail, you thought that there was a possibility 21 that Aubry might be LGBTQ; is that a fair statement? 22 MR. WARD: I'm going to object to the 23 extent it mischaracterizes or misstates 24 testimony. 25 You may answer.</p>	<p>1 M. Freiberg Page 49 2 to understand was her conduct and whether -- 3 Q At any point -- I'm sorry to cut you off. 4 Anything else? 5 A And just -- and whether she was able to 6 comply with our standards of conduct. 7 Q At any point after the time that you 8 first read this e-mail, did you formulate a belief as 9 to whether or not Aubry McMahon was LGBTQ? 10 MR. WARD: I'm going to object to form as 11 vague and ambiguous. 12 You may answer. 13 A I was able to confirm that she would -- 14 was not able to comply with our standards of conduct 15 because of her same-sex marriage on January 8th after 16 speaking with her. 17 Q I'm not asking about her conformance of 18 standards of conduct. 19 My question is about when you formed a 20 belief as to whether or not she was LGBTQ. 21 MR. WOLNOWSKI: If you could, Ms. Ratner, 22 please read back the question. 23 (WHEREUPON, the previous question was 24 read by the court reporter.) 25 MR. WARD: I renew the same objections</p>

<p>1 M. Freiberg Page 50 2 and add argumentative. 3 You may answer. 4 A Okay. So, Mr. Wolnowski, the -- I -- 5 I -- whether she was LGBTQ or not was not relevant or 6 material to World Vision. We were -- I was seeking 7 to confirm her conduct. So that is why I cannot 8 answer that I had a belief that she was LGBTQ, 9 because that -- that was not what I was seeking to 10 understand. 11 MR. WARD: Counsel, we're now at a point 12 where we're about 15 or 20 minutes beyond the 13 five or ten minutes I asked for, so I will 14 need a break at this point. 15 MR. WOLNOWSKI: Okay. So let's go off 16 the record, and we will continue in a moment. 17 MR. WARD: Thank you. 18 (WHEREUPON, a brief recess was taken, 19 after which the following transpired: 20 (Time noted: 3:51 p.m.) 21 CONTINUED EXAMINATION BY MR. WOLNOWSKI: 22 Q Ms. Freiberg, was there any point that 23 you either formed a belief or came to learn that 24 Aubry McMahon is LGBTQ? 25 MR. WARD: Object as to form.</p>	<p>1 M. Freiberg Page 52 2 Some of those e-mail communications were 3 either from or included legal counsel, whereas other 4 didn't; isn't that correct? 5 A That is correct. 6 Q So as it relates to the communications 7 that did not include or involve legal counsel, please 8 tell me the general nature of those communications to 9 the extent that you can remember. 10 A I received communication from Catherine 11 Miolla that she had received the e-mail from Aubry 12 McMahon. 13 Q Anything else? 14 A Catherine Miolla shared with me the 15 e-mail that was sent by Aubry McMahon, and she also 16 shared the phone screen interview that she had 17 conducted with Ms. McMahon. 18 Q Anything else? 19 A Not that I'm recalling off the top of my 20 head. 21 Q I will show you what will be marked as 22 Plaintiff's Exhibit Number 4. It's a document that 23 is Bates-stamped WV 231 to 232. It has been supplied 24 during the discovery phase of this case. 25 If you have a moment, please review and</p>
<p>1 M. Freiberg Page 51 2 You may answer. 3 A On January 8th when I spoke with her and 4 she confirmed that she was in a same-sex marriage. 5 Q So is it fair to say that at no point 6 before that had you either formed a belief or came to 7 learn that Aubry McMahon was LGBTQ? 8 MR. WARD: Objection to form. 9 A I would say I didn't form a belief 10 because that's not what I was seeking to determine. 11 Q So the answer is no, you had not formed a 12 belief or came to learn prior to January the 8th? 13 A I agree with that. 14 Q Now, Ms. Freiberg, you received a number 15 of e-mails between January 5th, 2021 and January 8th, 16 2021 with respect to Aubry McMahon; isn't that 17 correct? 18 A Could you show those to me? 19 Q Well, I'll -- I'll show you some of them, 20 but I just generally want to know if between those 21 few days, if you received a number of e-mails with 22 respect to Aubry McMahon. 23 A I did receive some e-mails, but I'm not 24 sure of the number of them. 25 Q Understood.</p>	<p>1 M. Freiberg Page 53 2 let me know once you have concluded reviewing it. 3 (WHEREUPON, the above-referred-to 4 document, Bates-stamped WV-000231 through 5 WV-000232, was marked as Plaintiff's 6 Exhibit 4, for identification, as of this 7 date, displayed by the court reporter, and the 8 witness was given the opportunity to review 9 the entirety of the document.) 10 (Time noted: 3:57 p.m.) 11 Q Did you have chance to review this 12 document? 13 A I did. 14 Q Do you recognize this document? 15 A I do. 16 Q Have you ever seen it before? 17 A I -- well, yes. It's the -- 18 Q Now, I can represent to you that some of 19 these e-mails under this e-mail chain which begins on 20 January the 5th are not entirely complete, but from 21 what is there, I have some questions for you; okay, 22 Ms. Freiberg? 23 A Okay. 24 MR. WOLNOWSKI: First and foremost, I 25 will call for production for the full e-mail</p>

Melanie Freiberg
February 16, 2023

<p style="text-align: right;">Page 54</p> <p>1 M. Freiberg</p> <p>2 chain of this. I will put it in writing and</p> <p>3 interpose that upon counsel shortly after the</p> <p>4 deposition.</p> <p>5 Q Now, Ms. Freiberg, I see that certain</p> <p>6 e-mails were exchanged between you and Catherine</p> <p>7 Miolla on January 5th, 2021 regarding Aubry McMahon.</p> <p>8 Did you and Catherine Miolla have any</p> <p>9 other communications on January 5th, 2021 relating to</p> <p>10 Aubry McMahon whether it be by telephone, Zoom,</p> <p>11 electronic messaging, in person, or otherwise?</p> <p>12 A We did have communication before this one</p> <p>13 where Catherine Miolla shared with me the e-mail that</p> <p>14 she had received from Ms. McMahon.</p> <p>15 Q Did you and Catherine Miolla have any</p> <p>16 non-e-mail communications on January 5th of 2021</p> <p>17 relating to Aubry McMahon?</p> <p>18 A Yes. My recollection is that we spoke on</p> <p>19 a Teams call where Catherine shared with me that she</p> <p>20 had reviewed an e-mail from Ms. McMahon.</p> <p>21 Q So first and foremost, Ms. Freiberg, you</p> <p>22 said the word "we" in that last response.</p> <p>23 Who was "we"?</p> <p>24 A We, as in World Vision, had received an</p> <p>25 e-mail.</p>	<p style="text-align: right;">Page 56</p> <p>1 M. Freiberg</p> <p>2 somewhere between five and ten minutes?</p> <p>3 A To the best of my knowledge.</p> <p>4 Q Please tell me everything you can</p> <p>5 remember about that conversation.</p> <p>6 A Well, Catherine shared with me that she'd</p> <p>7 received the e-mail from Ms. McMahon, and that she</p> <p>8 had -- I -- I'm not sure I can remember all of</p> <p>9 the details, but that she essentially showed me the</p> <p>10 e-mail that Ms. McMahon had sent. And my</p> <p>11 recollection is that I asked her about her phone</p> <p>12 screen that she had had with Ms. McMahon, because the</p> <p>13 information in her e-mail was contrary to her</p> <p>14 responses in the phone screen.</p> <p>15 Q Did the e-mails that I've showed you at</p> <p>16 Plaintiff's Exhibit 4, were they exchanged before or</p> <p>17 after this phone call with Catherine Miolla?</p> <p>18 A Are you referring to the e-mail that</p> <p>19 includes -- that is the January 5th e-mail from</p> <p>20 Ms. McMahon?</p> <p>21 Q No. I'm referring to the January 5th,</p> <p>22 2021 e-mail at 3:07 from you to Catherine Miolla that</p> <p>23 is in Plaintiff's Exhibit Number 4.</p> <p>24 A That occurred after when --</p> <p>25 Q When you say -- I'm sorry.</p>
<p style="text-align: right;">Page 55</p> <p>1 M. Freiberg</p> <p>2 Q I believe that you said, "We spoke on a</p> <p>3 Teams call."</p> <p>4 I'm asking who --</p> <p>5 A Oh, I --</p> <p>6 Q -- all the people who were present on</p> <p>7 that Teams call, to the extent you know and can</p> <p>8 remember.</p> <p>9 A Okay. My apologies. I misunderstand</p> <p>10 you.</p> <p>11 Catherine called me -- Catherine called</p> <p>12 me on Teams regarding the e-mail that she had</p> <p>13 received from Ms. McMahon.</p> <p>14 Q Was anybody else on that call?</p> <p>15 A No.</p> <p>16 Q How long did that call last?</p> <p>17 A I don't remember for certain, but not</p> <p>18 very long. Maybe --</p> <p>19 Q When you say -- I'm sorry, I'll -- I'll</p> <p>20 let you finish. My apologies.</p> <p>21 A You know, some number of minutes; five to</p> <p>22 ten minutes.</p> <p>23 Q So as you testified today, Catherine</p> <p>24 Miolla called you on January 5th, 2021 to speak about</p> <p>25 Aubry McMahon and that that phone call lasted</p>	<p style="text-align: right;">Page 57</p> <p>1 M. Freiberg</p> <p>2 A Yeah, I'll just -- sorry, I will finish</p> <p>3 the sentence. I realize I'm pausing, and it may feel</p> <p>4 like my sentence is finished, but this e-mail on</p> <p>5 January 5th at 3:07, as it's dated here, occurred</p> <p>6 after Ms. Miolla and I spoke where she shared that</p> <p>7 she had received an e-mail from Ms. McMahon.</p> <p>8 Q During your phone call with Ms. Miolla on</p> <p>9 January 5th, which you stated lasted somewhere</p> <p>10 between five and ten minutes, was the topic of Aubry</p> <p>11 McMahon possibly being in a same-sex marriage</p> <p>12 discussed?</p> <p>13 A It was specifically about the e-mail and</p> <p>14 how the e-mail was not consistent with the phone</p> <p>15 screen that was conducted.</p> <p>16 Q My question is a little more specific,</p> <p>17 and it regards whether or not the topic of</p> <p>18 Ms. McMahon being in a same-sex marriage was</p> <p>19 discussed on that phone call.</p> <p>20 A I don't recall that level of specificity.</p> <p>21 Q During that phone call, was it discussed</p> <p>22 between you and Ms. Miolla that Ms. McMahon may be</p> <p>23 LGBTQ?</p> <p>24 A Not to my recollection.</p> <p>25 Q This e-mail chain which I've showed you,</p>

<p>1 M. Freiberg Page 58 2 which is part of Plaintiff's Exhibit Number 4, 3 suggests that you wanted to speak with Ms. McMahon on 4 the telephone; is that correct? 5 A That is correct. 6 Q If you could, please explain to me why 7 you wanted to talk to her on the telephone. 8 A It's as I stated before, we wanted to 9 speak with her to ask her about her e-mail and 10 whether she intended to reference her wife, and 11 whether she understood that she had responded 12 differently when we asked her if she could comply 13 with our standards of conduct. 14 Q From your recollection and if you know, 15 did these e-mail communications, which I've showed 16 you at Plaintiff's Exhibit 4, take place after an 17 offer of employment was extended to Aubrey McMahon, or 18 before? 19 A They were after the offer was extended. 20 Q Ms. Freiberg, I'd like to show you what 21 would be marked Plaintiff's Exhibit Number 5. It is 22 a document which is Bates-stamped WV 2858, and it is a 23 document which was exchanged in the discovery phase 24 of the litigation. 25 If you could, Ms. Freiberg, please review</p>	<p>1 M. Freiberg Page 60 2 phone screen document? 3 A I am not sure if she is doing that at my 4 request. I think it's very possible that she is 5 doing that at my request. 6 Q In this e-mail, Catherine Miolla wrote, 7 "Hi Melanie, Aubrey's phone interview is attached. 8 The standards of conduct section with her responses 9 is the last section. Let me know if you need 10 anything else." 11 Do you know why Catherine Miolla 12 specifically referenced the standards of conduct 13 section in this e-mail? 14 A Yes. 15 Q Please tell me why. 16 A Because the e-mail that Ms. McMahon sent 17 was contrary to her responses in the standards of 18 conduct section of the phone screen. 19 Q How so? 20 A In the phone screen, Ms. McMahon was -- 21 she was -- the -- our standards of conduct were 22 explained to her. Examples of behavior or conduct 23 that don't correspond with our standards of conduct 24 were described, and she was asked the question 25 whether she could comply with those standards, and</p>
<p>1 M. Freiberg Page 59 2 and let me know once you've concluded doing so. 3 (WHEREUPON, the above-referred-to 4 document, Bates-stamped WV-002858, was marked 5 as Plaintiff's Exhibit 5, for identification, 6 as of this date, and displayed by the court 7 reporter.) 8 Q Ms. Freiberg, have you concluded 9 reviewing this document? 10 A Is it just this one page? 11 Q Yes. 12 A Yes. 13 Q Ms. Freiberg, do you recognize this 14 document? 15 A Yes. 16 Q Have you ever seen it before? 17 A Yes. 18 Q Can you please tell me what it is? 19 A It is an e-mail from Catherine Miolla to 20 myself attaching her phone interview. 21 Q From your recollection, why did Catherine 22 Miolla e-mail you a copy of Aubrey's phone interview? 23 A Because I wanted to use -- to use that in 24 the discussion with Ms. McMahon. 25 Q Did you ask Ms. Miolla to send you the</p>	<p>1 M. Freiberg Page 61 2 her response was, "Yes, I can abide." 3 Q Now, in terms of compliance with 4 standards of conduct, does that mean belief in that 5 standard of conduct, or does that mean conducting 6 oneself in accordance with the standard of conduct? 7 A It means conducting oneself. 8 MR. WARD: I was just going to object to 9 form. 10 THE WITNESS: Okay. 11 MR. WARD: It's fine. 12 THE WITNESS: Okay. Sorry. 13 MR. WARD: No worries. 14 Q So is it fair to say that if an 15 individual believed that it was okay for same-sex 16 individuals to marry, that that would not necessarily 17 preclude employment with World Vision Incorporated; 18 but if one were in a same-sex marriage, then that 19 would? 20 MR. WARD: Objection as to form and 21 speculation. 22 But you may answer. 23 A I agree with your description. 24 Q Did you review the phone screen document 25 that was sent from Catherine Miolla to you on</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 62 M. Freiberg January 5th? A Yes, I believe so. Q Do you recall when? A No. Q Do you recall whether or not you reviewed it on January 5th? A You know, I don't have a recollection of opening the document, but I -- I -- I believe I would have. Q Well, rather than speculate, do you recall whether or not you definitely reviewed between January 5th, 2021 and January 8th, 2021? A I can definitely say yes. In fact, if I can further clarify. As I reflect, I did -- I did review it on the 5th as we were preparing to speak with her. So I needed to review the actual responses in preparation of the call with her -- with -- with Ms. McMahon. Q I would like to show you what will be marked Plaintiff's Exhibit Number 6. It is a document which is Bates-stamped WV 67 through 70. It is a document which was exchanged during the discovery phase of the litigation. Please review the document and let me	Page 64 M. Freiberg Plaintiff's Exhibit 5? A Yes. Q Is this document what you received from Catherine Miolla via e-mail on January 5th, 2021? A Yes. Q I'd like to turn your attention to the third and fourth pages, those which are Bates-stamped WV 69 and 70. MR. WOLNOWSKI: Off record. (Discussion held off the record) Q Ms. Freiberg, if you could, can you explain to me the orange sections that have questions or requests, and then the white sections underneath which appear to be some form of response? A Yes, I can confirm that the orange sections are questions, and the white sections in that box are the candidate's response. Q Now, with respect to this particular document -- now I'm not asking generally, but I'm asking with respect to this specific document -- how were the requests or questions asked of Ms. McMahon derived; in other words, do you know who wrote them? A All right. These questions are templated questions. So the -- the verbiage above and the
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 63 M. Freiberg know once you've completed doing so. (WHEREUPON, the above-referred-to document, Bates-stamped WV-000067 through WV-000070, was marked as Plaintiff's Exhibit 6, for identification, as of this date, displayed by the court reporter, and the witness was given the opportunity to review the entirety of the document.) (Time noted: 4:18 p.m.) Q Ms. Freiberg, have you had a chance to review the document which is Bates-stamped -- excuse me, the document which is marked as Plaintiff's Exhibit Number 6? A Yes. Q Do you recognize this document? A Yes. Q Have you ever seen it before? A Yes. Q What is it? A It is the phone screen that is used for recruiting the DSRT. Q Is the document marked Plaintiff's Exhibit Number 6 the phone interview referenced in Catherine Miolla's e-mail that I just showed you as	Page 65 M. Freiberg verbiage below that are templated questions for every position at World Vision. Q So it's fair to say that these questions are not unique with respect to a customer service representative candidate? A Yes, that's correct. Q Ms. Freiberg, do you know who the person or persons was or were who actually asked these questions to Ms. McMahon? A Yes. Catherine Miolla was the recruiter who asked these questions of Ms. McMahon. Q Do you recall when she did that? A I do not have the date. Q In the white boxes below the orange boxes, there appear to be responses. To your knowledge and recollection, are these the responses that were given by Ms. McMahon to each of the specific requests or questions? A Yes. Q Okay. And just to be clear, does that also -- is that also the same answer with respect to the requests and answers which appear on the fourth page, which is Bates-marked WV 70? MR. WOLNOWSKI: Ms. Ratner, if you could

<p>1 M. Freiberg 2 scroll up when you have a moment. 3 THE REPORTER: (Complying) 4 A Yes. Those are also -- the white boxes 5 are also Ms. McMahon's -- 6 Q I'm sorry, you cut out there just for a 7 minute. My apologies. 8 If you could repeat your answer, 9 Ms. Freiberg. 10 A Yes. The -- the boxes in white are 11 Ms. McMahon's responses. 12 Q And just for the sake of completeness, 13 with respect to this fourth page, the questions in 14 the orange boxes were asked also by Ms. Miolla? 15 A That is correct. 16 MR. WOLNOWSKI: Ms. Ratner, could you 17 scroll up to the third page, so that way the 18 second half of the document is in the viewer 19 screen? 20 THE REPORTER: (Complying) 21 Q Ms. Freiberg, I'd like to direct your 22 attention to so much of this third page as it relates 23 to section II, which has the title or the heading 24 "Key Points in Christian Conduct Conversation." 25 Do you see that section and the bullet</p>	<p>Page 66 1 M. Freiberg 2 believe are not in alignment with our standards of 3 conduct, and therefore, unacceptable behavior for 4 employees include:" 5 And then there is a second -- well, there 6 are a number of dashes, and the second one, in 7 particular, reads, "Any sexual conduct outside of 8 marriage; pause, WV defines marriage as between a man 9 and a woman." 10 Do you see that, Ms. Freiberg? 11 A I see that. 12 Q First and foremost, do you know why the 13 word "pause" is located in that sentence? 14 A It's just for clarity of communication. 15 Q And specifically, what clarity is it 16 intended to convey to the reader? 17 A It's so that the full sentence can be 18 heard and understood. 19 Q Is it fair to say that World Vision 20 wishes to emphasize how it views the definition of 21 marriage to prospective candidates for employment? 22 MR. WARD: Objection as to form. 23 You may answer. 24 A It is to ensure that it is clear. I -- 25 I -- I don't have any -- I -- I don't know that it</p>
<p>1 M. Freiberg 2 points and the dashes which follow? 3 A I do. 4 Q With respect to this document, do you 5 know if section II and the bullet points and dashes 6 below were read to Ms. McMahon during a telephone 7 screening or telephone interview? 8 A Yes. It is -- it is our expectation that 9 the recruiters read this verbatim to the candidates. 10 So I wasn't present when Ms. Miolla spoke with 11 Ms. McMahon, but my statement is that, knowing 12 Catherine's work, she would have read this to 13 Ms. McMahon. 14 Q So your understanding is that it was, in 15 fact, read to Ms. McMahon although you weren't 16 actually on the telephone call; is that correct? 17 A Correct. 18 Q And as you sit here today, there's 19 nothing that you know or that you've learned which 20 would make you think otherwise; is that correct? 21 A That's correct. 22 Q I'd like to direct your attention to the 23 fourth bullet, Ms. Freiberg. 24 This fourth bullet I will read into the 25 record. It states, "Examples of behaviors that we</p>	<p>Page 67 Page 69 1 M. Freiberg 2 would be for emphasis of that point over others, but 3 it's about clarity. 4 Q So your understanding is that it is 5 intended to be made clear to the potential employee 6 that World Vision defines marriage as between a man 7 and a woman; correct? 8 A It's intended to show both pieces, that 9 sexual conduct that occur outside of marriage is not 10 in alignment with our standards; and that World 11 Vision further defines marriage as between a man and 12 a woman. 13 Q So if an individual were engaging in 14 sexual conduct outside of a marriage, irrespective of 15 whether it's tradition or same-sex, this would not be 16 in alignment with World Vision's standards of conduct 17 and would be concluded to be an unacceptable behavior 18 of an employee; is that accurate? 19 MR. WARD: Objection as to form. 20 You may answer. 21 A That -- that was a very long sentence. 22 Perhaps, Teri, could you read that back? 23 (WHEREUPON, the previous question was 24 read by the court reporter.) 25 A Yeah, I'm just trying to understand</p>

<p>1 M. Freiberg Page 70 2 the -- the kind of point of the question. 3 So if there was sexual conduct outside of 4 a marriage between a man and a woman, that would not 5 be in alignment; and if there was sexual conduct in a 6 same-sex marriage, that also isn't align- -- in 7 alignment; and furthermore, World Vision defines 8 marriage as being between man and a woman. So that's 9 the way in which it recognizes marriage. 10 Q So if an individual were in a same-sex 11 marriage, would or would that not be in alignment 12 with World Vision's standards of conduct? 13 A It would -- 14 MR. WARD: Just objection as to form. 15 You may answer. 16 A Okay. It would not be in alignment with 17 our standards of conduct. 18 Q And as such, it would be unacceptable 19 behavior; is that correct? 20 A That is correct. 21 MR. WARD: Objection to form. 22 A That is correct. 23 Q Now, having had a chance to review this 24 document, Ms. Freiberg, and in looking back at the 25 e-mail which was sent -- excuse me, which was sent to</p>	<p>1 M. Freiberg Page 72 2 to our standards of conduct. 3 Q Was the issue that she was not in 4 alignment, or was the issue that her phone interview 5 responses was inconsistent with her January 5th 6 e-mail? 7 MR. WARD: I'm going to object as to 8 form. 9 A The issue is that it is a World Vision 10 expectation to comply with our standards of conduct, 11 and she re- -- responded in the phone screen to the 12 affirmative, but her e-mail to us, that was 13 contradictory to that. 14 Q So was her employment rescinded -- excuse 15 me, was the offer of employment rescinded because of 16 an inconsistency, or because she was in a same-sex 17 marriage? 18 MR. WARD: Objection as to form. 19 A Well, the offer was rescinded for a few 20 reasons. The first being that we sought to speak 21 with her to understand the e-mail that she sent, and 22 in spite of several attempts, we were unable to do 23 so, which then caused us to use the e-mail at face 24 value, and we rescinded the offer. Then when we were 25 able to speak with, her she confirmed that, in fact,</p>
<p>1 M. Freiberg Page 71 2 you by Catherine Miolla on January 5th, wherein it 3 states, "The standards of conduct section with her 4 responses is the last section," to which section did 5 that refer? 6 A Okay. Teri, could you scroll down? 7 THE REPORTER: (Complying) 8 A So it's to this section. 9 Q Okay. And specifically, why was there 10 communication between you and Ms. Miolla as it 11 related to this last page of Plaintiff's Exhibit 12 Number 6? 13 A Because the middle question, which reads, 14 "It's important that you know of World Vision's 15 expectation so that you can decide if we are the 16 right organization for you. Are you willing and able 17 to comply with the standards of conduct if employed 18 by World Vision?" 19 And the question of her was whether she 20 can comply, and she responded, "I'm aligned, yes." 21 Q And what about her response to this 22 answer caused communication between you and 23 Ms. Miolla, amongst others? 24 A Because her e-mail referred to her wife, 25 which would then mean that she was not in alignment</p>	<p>1 M. Freiberg Page 73 2 she did mean her wife, and when we reviewed her 3 responses to the -- to this -- to the question that 4 we just reviewed, she indicated that she didn't think 5 that it mattered, she felt that as long as she was 6 okay working for an organization that believed what 7 we believe, that would be sufficient. 8 Q So if I'm understanding this, there were 9 a number of factors that contributed to her offer of 10 employment having been rescinded; is that correct? 11 A Yes. 12 Q The first was, in essence, your inability 13 to get in touch with her when you first reached out 14 to her; is that one factor? 15 MR. WARD: I'm going to object as to 16 form. 17 But you may answer. 18 A It was -- it -- it was, and I just would 19 add that it was over the course of multiple attempts 20 over three days. 21 Q Understood. 22 Was another factor the fact that her 23 answers were -- question withdrawn. 24 Was another factor that her responses to 25 the phone interview were inconsistent with the e-mail</p>

<p>1 M. Freiberg Page 74 2 that she sent Catherine Miolla on January the 5th? 3 A I would say yes, and that it was because 4 what she stated to be true was the e-mail as opposed 5 to the phone screen. And -- 6 Q Was a -- I'm sorry. My apologies again. 7 I'll -- I'll make sure I wait long enough so that way 8 we can -- you can get your full completed answer. 9 A Yes. I actually don't remember what I 10 was going to say as my second point, so go ahead. 11 Q Was another factor for the determination 12 to rescind the job offer to Ms. McMahon because it 13 was revealed that she was in a same-sex marriage? 14 A The same-sex marriage would mean that she 15 would not be able to comply with our standards of 16 conduct, so the answer is yes to that. 17 Q Was Ms. McMahon being LGBTQ a factor in 18 the determination to rescind the job offer extended 19 to her by World Vision Incorporated? 20 MR. WARD: Objection to form. 21 You may answer. 22 A No, it wasn't. 23 Q Ms. Freiberg, at some point after 24 January 5th, 2021, were you a participant in 25 discussions involving the rescission of the job offer</p>	<p>1 M. Freiberg Page 76 2 McMahon? 3 A No, not specifically with Ms. Talbot. 4 Q Between January 5th and January 8th of 5 2021, approximately how many times did you speak with 6 Ms. Talbot on the topic of Aubry McMahon? 7 A Well, there were -- there was a few 8 privileged conversations, but outside of that, I 9 remember one conversation that was about sort of 10 training or role-playing the conversation to be had 11 with Ms. McMahon. 12 MR. WOLNOWSKI: Just give me one moment 13 here. 14 (Pause in the proceeding) 15 (WHEREUPON, the previous portion of the 16 testimony was read by the court reporter.) 17 Q So my question first, you said aside from 18 privileged conversations, without -- I don't want to 19 know what was said in those privileged conversations, 20 but from your recollection, approximately how many 21 privileged conversations took place? 22 A A -- a few. Maybe two. 23 Q Okay. And if you could, please tell me 24 everything you can remember about the conversation 25 you had with Ms. Talbot as it related to role-playing</p>
<p>1 M. Freiberg Page 75 2 extended to Aubry McMahon? 3 A I was. 4 Q If you know, who was the person or who 5 were the persons who made the ultimate decision to 6 rescind the offer of employment extended to Aubry 7 McMahon by World Vision Incorporated? 8 A The person who made the ultimate decision 9 to rescind the offer was Christine Talbot, senior 10 vice president of human resources. 11 Would you like me to spell her name? 12 Q I will spell it, but thank you very much 13 for offering. 14 (Discussion held off the record) 15 Q Ms. Freiberg, did you personally play any 16 role in deciding to rescind the job offer made to 17 Aubry McMahon made by World Vision Incorporated? 18 MR. WARD: Objection as to form. 19 You may answer. 20 A I was part of the discussion, but not the 21 ultimate decision maker. 22 Q At some point between January 5th and 23 January 8th, 2021, did you and Christine Talbot 24 discuss how the decision to rescind the offer of 25 employment was going to be communicated to Aubry</p>	<p>1 M. Freiberg Page 77 2 with Aubry McMahon, as you had touched upon just a 3 moment ago in a previous response. 4 A As that time was centered around 5 anticipating what kind of questions we may receive -- 6 and when I say "we," I mean Catherine and I, because 7 both of us were planning to be on the call with 8 Ms. McMahon -- and just receiving, you know, guidance 9 and support from Ms. -- Christine Talbot. 10 Q Okay. And approximately when did that 11 conversation take place? 12 A I expect it would have occurred like 13 around January 5th, maybe the 6th, somewhere in that 14 time frame. 15 Q Do you recall approximately how long it 16 lasted? 17 A Maybe 20 minutes, but I'm -- I -- I'm not 18 certain about that. 19 Q Was anybody else on that call -- or 20 excuse me, was anybody else a participant to that 21 conversation? 22 A Catherine Miolla was there. 23 Q Was that a RingCentral meeting, 24 Ms. Freiberg? 25 A I'm not sure if it was a RingCentral</p>

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<p>1 M. Freiberg</p> <p>2 meeting.</p> <p>3 Q Okay. I'd like to show you what will be</p> <p>4 marked Plaintiff's Exhibit Number 7.</p> <p>5 Ms. Freiberg, what I can show you, which</p> <p>6 will be marked as Plaintiff's Exhibit Number 7, is a</p> <p>7 document bearing Bates-stamp numbers WV 240 and 241.</p> <p>8 It's a document which was exchanged in the discovery</p> <p>9 phase of this litigation.</p> <p>10 Please review it when you have a moment</p> <p>11 and let me know once you've concluded doing so.</p> <p>12 (WHEREUPON, the above-referred-to</p> <p>13 document, Bates-stamped WV-000240 through</p> <p>14 WV-000241, was marked as Plaintiff's</p> <p>15 Exhibit 7, for identification, as of this</p> <p>16 date, and displayed by the court reporter.)</p> <p>17 THE WITNESS: If you're waiting my</p> <p>18 indication that I've reviewed it, I'm done.</p> <p>19 Q Okay. Ms. Talbot (sic), do you recognize</p> <p>20 the document that I've shown you marked as</p> <p>21 Plaintiff's Exhibit Number 7?</p> <p>22 A Are you asking Ms. Talbot, or are you</p> <p>23 asking me?</p> <p>24 Q I'm sorry. My apologies.</p> <p>25 Ms. Freiberg, have -- do you recognize</p>	<p>Page 78</p> <p>1 M. Freiberg</p> <p>2 about a conversation that you had with both</p> <p>3 Ms. Talbot and Ms. Miolla relating to a script.</p> <p>4 Is the document that I'm showing you the</p> <p>5 invitation for the meeting that you had just</p> <p>6 described?</p> <p>7 MR. WARD: I'm going to object as to</p> <p>8 form.</p> <p>9 You may answer.</p> <p>10 A I'm not understanding the question. I'm</p> <p>11 not understanding the connection between the script</p> <p>12 and this call.</p> <p>13 Q Well, follow me, if you will.</p> <p>14 You have mentioned that you, Christine</p> <p>15 Talbot, and Catherine Miolla had a discussion where</p> <p>16 you talked about what you were going to discuss with</p> <p>17 Aubrey; right?</p> <p>18 A Yes.</p> <p>19 Q And this document, which is Plaintiff's</p> <p>20 Exhibit 7, appears to be an invitation to join a</p> <p>21 RingCentral call.</p> <p>22 A Correct.</p> <p>23 Q Was the conversation that you had with</p> <p>24 Christine and Catherine a conversation for which this</p> <p>25 invitation had been sent?</p>
<p>1 M. Freiberg</p> <p>2 the document that I've shown you marked as</p> <p>3 Plaintiff's Exhibit Number 7?</p> <p>4 A Yes, I do.</p> <p>5 Q Have you ever seen it before?</p> <p>6 A Yes, I -- I guess so. Yeah.</p> <p>7 Q At some point between January 5th and</p> <p>8 January 8th of 2021, did you disseminate call-in</p> <p>9 information relating to a RingCentral meeting with</p> <p>10 you and/or Christine Talbot and Catherine Miolla?</p> <p>11 A You're asking if I disseminated that</p> <p>12 information?</p> <p>13 Q Yes. If you were the one who sent it</p> <p>14 around so that people could join.</p> <p>15 A Oh, okay. Yes, I initiated the</p> <p>16 RingCentral call, according to this -- to this</p> <p>17 document.</p> <p>18 Q Well, irrespective of what the document</p> <p>19 shows, I'm asking you if you recall having</p> <p>20 disseminated or sending around a -- RingCentral</p> <p>21 call-in information?</p> <p>22 A Well, if I'm honest, I would not have</p> <p>23 remembered that I did that as opposed to Ms. Talbot's</p> <p>24 administrative assistant or herself or Catherine.</p> <p>25 Q And we had discussed just a moment ago</p>	<p>Page 79</p> <p>1 M. Freiberg</p> <p>2 A It -- it was not about the script that</p> <p>3 Catherine read to Ms. McMahon.</p> <p>4 Q This subject line states, "Dry run" --</p> <p>5 A Yes.</p> <p>6 Q -- correct?</p> <p>7 A Yes.</p> <p>8 Q Could you explain what the meaning was</p> <p>9 between -- behind "Dry run"?</p> <p>10 A Yes. The meaning behind "Dry run" was</p> <p>11 regarding the ultimate phone call that we had on</p> <p>12 January 8th with Ms. McMahon where we had -- where we</p> <p>13 were able to confirm her e-mail and whether she</p> <p>14 intended to refer to her wife, and whether she</p> <p>15 confirmed that she had, in fact, indicated that she</p> <p>16 would comply with our standards of conduct. And so</p> <p>17 the dry run was to anticipate questions that could be</p> <p>18 had in that meeting that we would have with</p> <p>19 Ms. McMahon.</p> <p>20 Q And that dry run meeting or conversation,</p> <p>21 was that the only communication you had with</p> <p>22 Christine Talbot between January 5th and</p> <p>23 January 28th (sic) as it regarded Aubrey McMahon?</p> <p>24 MR. WARD: Objection as to form.</p> <p>25 Misstates prior testimony.</p>

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1	M. Freiberg	1	M. Freiberg
2	THE WITNESS: Do I answer?	2	document in light of it having -- not having a
3	MR. WARD: Yeah, you can answer.	3	year, so again, I will put that in writing
4	A Okay. It was the only non-privileged	4	and, indeed, opposing counsel can take that
5	meeting that I recall with Ms. Talbot -- with	5	under advisement.
6	Christine Talbot.	6	Second, I will be making a request for
7	Q Understood.	7	production with respect to any written
8	And in early January of 2020 (sic), if	8	training documentation as it relates to
9	you could just please confirm, what position or	9	number 11 and number 12 as to prayer, part of
10	positions did Christine Talbot hold with World	10	Plaintiff's Exhibit Number 1. Again, I'll put
11	Vision?	11	those in writing, you can take it under
12	A Christine Talbot was the senior vice	12	advisement, but wanted to just put those on
13	president of human resources for World Vision.	13	the record.
14	Q In January of 2021, was Christine Talbot	14	CONTINUED EXAMINATION BY MR. WOLNOWSKI:
15	your subordinate, or were you hers, or were you	15	Q Ms. Freiberg, we just took a break so you
16	equal?	16	could eat lunch; correct?
17	A I was her subordinate.	17	A That is correct.
18	Q Is Christine Talbot still employed by	18	Q Did you speak with anybody about your
19	World Vision Incorporated, to your knowledge?	19	deposition testimony during break?
20	A She is not.	20	A Well, what we spoke about was just to
21	Q Do you recall when she ceased working for	21	continue doing what I was doing, so just advisement
22	World Vision Incorporated?	22	to listen carefully --
23	A Yes. On -- well, I will say it as an	23	Q Well --
24	approximate date, February 3rd if -- around	24	A -- respond.
25	February 3rd.	25	Q Okay. I'm sorry, I didn't mean to
	Page 83		Page 85
1	M. Freiberg	1	M. Freiberg
2	Q Sure.	2	interrupt.
3	Of what year, Ms. Freiberg?	3	MR. WARD: Well, I should caution, as to
4	A Oh, sorry. Of 2023.	4	privilege, you can answer the first question,
5	Q So she ceased working there a couple	5	and then just let him ask each question.
6	weeks ago; is that accurate?	6	So I think your question, Casey, if you
7	A Yes.	7	want to just repeat it, and then --
8	Q To the extent you know and if you know,	8	MR. WOLNOWSKI: Can you read back the
9	why did she cease working for World Vision	9	question, Ms. Ratner?
10	Incorporated?	10	(WHEREUPON, the previous question was
11	A She retired.	11	read by the court reporter.)
12	MR. WOLNOWSKI: Okay. So let's go off	12	A The answer is yes.
13	the record.	13	Q Was it with anybody aside from your
14	(Discussion held off the record)	14	attorneys?
15	(WHEREUPON, a luncheon recess was taken	15	A No.
16	from 4:52 p.m. to 5:27 p.m., after which the	16	Q Was there anybody who directed you to
17	following transpired:)	17	give any kind of specific testimony upon returning
18	MR. WOLNOWSKI: Before we continue, just	18	from break?
19	a couple housekeeping things that I noticed	19	A No.
20	while we were on break.	20	Q Ms. Freiberg, at some point on
21	Initially wanted to say that I'm going to	21	January 6th, 2011 (sic), were you a participant on
22	make a call for production with respect to the	22	any e-mails with Christine Talbot and/or Catherine
23	posting for the specific job for which Aubry	23	Miolla relating to reviewing a script of some sort?
24	applied. There was some equivocation about	24	A I'm not recalling that.
25	whether Plaintiff's Exhibit 1 was that	25	(WHEREUPON, the previous question was

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<p style="text-align: right;">Page 86</p> <p>1 M. Freiberg 2 read by the court reporter.) 3 MR. WOLNOWSKI: 2021. 4 MR. WARD: I'm sorry, it was on or about 5 January 6 of 2021? 6 MR. WOLNOWSKI: Yes. 7 (WHEREUPON, the previous question was 8 corrected and read by the court reporter.) 9 MR. WARD: Thank you. 10 We can agree January 6, 2021. 11 Thank you. 12 Q Same answer, Ms. Freiberg? 13 A Maybe a clarifying question. 14 Is -- are you referring to -- 15 Q Let me -- I'll -- I'll ask. We can 16 just -- 17 To be clear, Ms. Freiberg, at some point 18 on or about January 6th of 2021, were you a 19 participant on any e-mails with Christine Talbot 20 and/or Catherine Miolla relating to reviewing a 21 script of some sort? 22 A I don't remember. 23 Q Ms. Freiberg, I'd like to show you what 24 will be marked as Plaintiff's Exhibit Number 8. 25 A Okay.</p>	<p style="text-align: right;">Page 88</p> <p>1 M. Freiberg 2 which was sent from Christine Talbot on Wednesday, 3 January 20- -- excuse me, Wednesday, January 6th, 4 2021 at 8:43 a.m. to you and Ms. Miolla. 5 Do you recall receiving this e-mail? 6 A Yes, I do. I do now. 7 MR. WOLNOWSKI: Okay. Just put on the 8 record, we call for production for the full 9 document that includes all of the text. We'll 10 put it in writing. 11 Q At some point on January 6th, 2021, did 12 you, Christine Talbot, and Catherine Miolla 13 participate in an e-mail exchange discussing 14 reviewing a script? 15 A In accordance with this e-mail, yes. 16 Q Please explain to me, to the extent you 17 can remember and based on what is not an entirely 18 complete e-mail, what was being discussed in this 19 e-mail from Christine Talbot to you and Catherine 20 Miolla at 8:43 a.m. on January 6th. 21 A Well, Christine was offering to -- to 22 review the script that we were going to use with 23 Ms. McMahon and practice with us and also pray with 24 us to get us ready for the eventual discussion with 25 Ms. McMahon.</p>
<p style="text-align: right;">Page 87</p> <p>1 M. Freiberg 2 Q It is a document which is Bates-stamped 3 WV 242 to 244. I will represent that this is a 4 document that was exchanged during the discovery 5 phase of litigation in this case. 6 Please review this document and let me 7 know once you have completed doing so. 8 (WHEREUPON, the above-referred-to 9 document, Bates-stamped WV-000242 through 10 WV-000244, was marked as Plaintiff's 11 Exhibit 8, for identification, as of this 12 date, displayed by the court reporter, and the 13 witness was given the opportunity to review 14 the entirety of the document.) 15 (Time noted: 5:34 p.m.) 16 Q Have you had a chance to review this 17 document? 18 A I have. 19 Q Do you recognize this document? 20 A I do. 21 Q Have you ever seen it before? 22 A Yes. 23 Q So if you notice, at the bottom of the 24 second page, the one that is marked -- Bates-stamped 25 WV 243, there's an e-mail, some of it is cut off,</p>	<p style="text-align: right;">Page 89</p> <p>1 M. Freiberg 2 Q Was a script ever created by anybody? 3 A It was created under privilege. 4 Q And if you could explain to me what -- 5 "created under privilege" -- you mean by that. 6 MR. WARD: I'll just, for the record, 7 object to the extent that it calls for 8 attorney/client privileged information. 9 But you can answer to the extent you can 10 answer without disclosing that. 11 A It means that, I guess, with the 12 protection of our attorney/client privilege, we 13 created some talking points to be able to speak with 14 Ms. McMahon. 15 Q Do you recall who was involved in the 16 creation of that script? 17 A Yes. Steve McFarland and Christine 18 Talbot and myself. 19 MR. WOLNOWSKI: I'm going to call for 20 production of this document. I understand 21 that there may be a privilege objection; 22 nevertheless, we can hammer that out. I want 23 to put it in writing, and certainly opposing 24 counsel can take that under advisement. 25 MR. WARD: I understand that, and just</p>

<p>1 M. Freiberg Page 90 2 for the record, we would state it's protected 3 by attorney/client privilege, but we'll wait 4 and respond to the written request. 5 Q Ms. Freiberg, when it was ultimately 6 discussed with Ms. McMahon, the rescission of her 7 offer of employment, was any sort of script utilized 8 during that call? 9 MR. WARD: Objection as to form and to 10 the extent it calls for communicative 11 information. 12 You may ask -- answer. 13 A Yes. 14 Q And who ultimately utilized that; was it 15 you or somebody else? 16 A It was ultimately me. 17 Q In the e-mail which was sent at 8:43 a.m. 18 on January the 6th, Christine seems to mention that 19 sometimes a candidate is not a good fit. 20 Do you see that? 21 A I do. 22 Q Did you have any conversation with her 23 about what she meant? 24 A No, we did not have further conversation 25 about the content of this e-mail.</p>	<p>1 M. Freiberg Page 92 2 Q -- to the extent you know. 3 A So my understanding is it was 4 communicated to Ms. McMahon in an e-mail from 5 Catherine Miolla to Ms. McMahon. 6 Q Ms. Freiberg, I'd like to show you what 7 will be marked as Plaintiff's Exhibit Number 9. It 8 is a document bearing Date-stamp numbers WV 81 to 82. 9 If you could, please review it at your 10 convenience and let me know once you've had a review. 11 I can represent that this document was exchanged 12 during the discovery phase of litigation in this 13 case. 14 (WHEREUPON, the above-referred-to 15 document, Bates-stamped WV-000081 through 16 WV-000082, was marked as Plaintiff's 17 Exhibit 9, for identification, as of this 18 date, displayed by the court reporter, and the 19 witness was given the opportunity to review 20 the entirety of the document.) 21 (Time noted: 5:44 p.m.) 22 Q Okay. Ms. Freiberg, have you had a 23 chance to review the document which has been marked 24 as Plaintiff's Exhibit Number 9? 25 A I have.</p>
<p>1 M. Freiberg Page 91 2 Q What did you understand it to mean when 3 she stated that sometimes a candidate is not a good 4 fit? 5 MR. WARD: Objection as to form. 6 You may answer. 7 A What I understood it to mean was that if 8 her statement of having a wife and not being able to 9 comply with our standards of conduct, that would 10 exclude her from being able to work at World Vision. 11 Q From your recollection, did that dry run 12 RingCentral conversation take place before or after 13 this January 6 e-mail which was sent to you from 14 Ms. Talbot at 8:43 a.m.? 15 A Well, from this e-mail, it would have 16 occurred before -- like the e-mail would have 17 occurred before the actual dry run. 18 Q Okay. If you know, Ms. Freiberg, how was 19 the rescission of Aubrey McMahon's job offer by World 20 Vision Incorporated initially communicated to Aubrey 21 McMahon? 22 A Your question is how the rescission was 23 communicated to Ms. McMahon? 24 Q Initially communicated to her -- 25 A It was --</p>	<p>1 M. Freiberg Page 93 2 Q Have you ever seen this document before? 3 A I have. 4 Q Do you recognize this document? 5 A I -- I recognize it. 6 Q At the start of the bottom of the second 7 page, the page which is marked Date-stamped WV 82 -- 8 MR. WOLNOWSKI: You need to scroll up 9 just a little bit, Ms. Ratner. 10 THE REPORTER: (Complying) 11 Q So this is an e-mail chain between 12 Catherine Miolla and Aubrey McMahon; correct? 13 A Yes. 14 Q And the first e-mail, which is at the 15 bottom of the second page, is the January 5th e-mail 16 that Aubrey sent to Ms. Miolla in which she stated 17 amongst other things that she and her wife are 18 expecting their first baby in March. 19 Would you agree? 20 A I would agree. 21 Q That e-mail was sent January 5th, 2021 at 22 11:56; correct? 23 A Yes, that is the time that it's 24 date-stamped. 25 Q And then Catherine Miolla responded to</p>

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<p style="text-align: right;">Page 94</p> <p>1 M. Freiberg</p> <p>2 that at 4:59 p.m. on January 5th, according to this</p> <p>3 e-mail chain; correct?</p> <p>4 A Correct.</p> <p>5 Q And in that e-mail, she wrote, "Hi Aubry,</p> <p>6 thank you for your e-mail and questions. Do you have</p> <p>7 time tomorrow afternoon to discuss by phone? I have</p> <p>8 a few interviews scheduled, but could give you a call</p> <p>9 around 4:00 p.m. EST, if that would work for you.</p> <p>10 Thanks, Catherine."</p> <p>11 That's what that second e-mail states;</p> <p>12 correct?</p> <p>13 A Yes.</p> <p>14 MR. WOLNOWSKI: If you could just scroll</p> <p>15 up to the first page.</p> <p>16 THE REPORTER: (Complying)</p> <p>17 Q Now, on Wednesday, January 6th, 2021 at</p> <p>18 5:40 p.m., Aubry e-mailed Catherine Miolla and wrote,</p> <p>19 "Hey there, so sorry, I've been crazy busy with my</p> <p>20 sister getting married. That sounds great. I can</p> <p>21 talk on Friday at any point, if you're available."</p> <p>22 Do you see that, Ms. Freiberg?</p> <p>23 A I see that.</p> <p>24 Q Were you aware at any point during</p> <p>25 January 5th or January 8th, 2021 that Ms. McMahon was</p>	<p style="text-align: right;">Page 96</p> <p>1 M. Freiberg</p> <p>2 Thursday, January 7th, 2021 at 8:54 a.m. and wrote,</p> <p>3 "No problem, Aubry. How about Friday at 1:00 p.m.</p> <p>4 EST? If that works for you, I will give you a call</p> <p>5 at that time. Thank you, Catherine."</p> <p>6 MR. WARD: Objection as to form.</p> <p>7 You may answer.</p> <p>8 A I agree that that is Catherine's response</p> <p>9 to Ms. McMahon.</p> <p>10 Q In this e-mail, does Catherine state</p> <p>11 anything about an urgency with which they need to</p> <p>12 talk on the telephone?</p> <p>13 MR. WARD: Objection as to form.</p> <p>14 You may answer.</p> <p>15 A No, she does not.</p> <p>16 Q Was there any kind of communication, to</p> <p>17 your knowledge, communicated to Aubry McMahon that if</p> <p>18 she was unable to make that 1:00 p.m. phone call on</p> <p>19 Friday, that the offer of employment would be</p> <p>20 rescinded?</p> <p>21 A No, that was not communicated.</p> <p>22 Q Were there any communications to Aubry</p> <p>23 McMahon either by Catherine Miolla or otherwise which</p> <p>24 communicated an urgency that they needed to speak</p> <p>25 with her by Friday at 1 o'clock p.m.?</p>
<p style="text-align: right;">Page 95</p> <p>1 M. Freiberg</p> <p>2 involved in what appeared to be her sister getting</p> <p>3 married?</p> <p>4 MR. WARD: Objection as to form.</p> <p>5 You may answer.</p> <p>6 A I was aware as a result of the contents</p> <p>7 of this e-mail.</p> <p>8 Q When did you first see this e-mail that's</p> <p>9 dated January 6th, 2021, which is marked having been</p> <p>10 sent at 5:40 p.m.?</p> <p>11 A I -- I'm not sure of the exact date and</p> <p>12 time.</p> <p>13 Q Did the fact that Aubry represented that</p> <p>14 she's been, in her words, "crazy busy" with her</p> <p>15 sister getting married have any impact on the urgency</p> <p>16 with which the folks at World Vision Incorporated</p> <p>17 needed to speak with her?</p> <p>18 MR. WARD: I'm going to object as to</p> <p>19 form.</p> <p>20 A Well, it's her -- her response that she</p> <p>21 was very busy and that she could speak on Friday was</p> <p>22 granted to her, so we took that into advisement and</p> <p>23 agreed to speak with her on Friday.</p> <p>24 Q In fact, in response to this e-mail,</p> <p>25 isn't it correct that Catherine Miolla e-mailed Aubry</p>	<p style="text-align: right;">Page 97</p> <p>1 M. Freiberg</p> <p>2 MR. WARD: Objection as to form.</p> <p>3 You may answer.</p> <p>4 A There were no specific communications in</p> <p>5 that way.</p> <p>6 Q I'd like to take you to the top of</p> <p>7 page 1.</p> <p>8 On January 8th, 2021 at 2 o'clock p.m.,</p> <p>9 Catherine Miolla e-mailed Aubry McMahon and wrote,</p> <p>10 "Aubry, since our communication on Tuesday, I've</p> <p>11 tried several times to get in touch with you to</p> <p>12 discuss a discrepancy in your interview responses.</p> <p>13 Since I have not heard back from you to resolve the</p> <p>14 discrepancy, I'm rescinding the job offer that was</p> <p>15 extended to you on Monday, January the 4th. I wish</p> <p>16 you all the best in your future endeavors.</p> <p>17 Catherine."</p> <p>18 Do you see that, Ms. Freiberg?</p> <p>19 A I do see that.</p> <p>20 Q Is it fair to say that in this e-mail</p> <p>21 dated January 8th, 2021 at 2 o'clock p.m., that</p> <p>22 Ms. Miolla notified Aubry McMahon that the job offer</p> <p>23 extended to her by World Vision Incorporated had</p> <p>24 indeed been rescinded?</p> <p>25 MR. WARD: Objection as to form.</p>

<p>1 M. Freiberg Page 98 2 You may answer. 3 A Yes, I agree. 4 Q Now, I believe you already testified to 5 this, but having reviewed this document, does it 6 refresh your recollection as to whether or not the 7 failure to have heard back from Aubry was a factor in 8 World Vision's determination to terminate the -- 9 excuse me, not to terminate, but to rescind the offer 10 of employment extended to her by World Vision 11 Incorporated? 12 MR. WARD: Objection as to form. 13 You may answer. 14 A Well, I believe I've already answered 15 this in stating that there were multiple reasons -- 16 there was more than one reason for rescinding the 17 offer, the first of which was because despite 18 multiple attempts to reach Ms. McMahon, we were 19 unable to do so, and therefore, relied on her written 20 e-mail on face value. 21 Q To your knowledge, do you know if, after 22 this e-mail, anybody on behalf of World Vision ever 23 spoke on the telephone with Aubry McMahon relating to 24 the rescission of the offer of employment? 25 A Yes. On January 8, following this</p>	<p>1 M. Freiberg Page 100 2 MR. WARD: Object as to form. 3 You may answer. 4 A Yeah. So it would be in the afternoon 5 after this time; after 2:00 p.m. 6 Q Approximately how long did the 7 conversation last? 8 A I would say somewhere within five -- five 9 to ten minutes, perhaps. 10 Q If you can recall, please tell me all -- 11 the names of all the participants on that phone call 12 to your knowledge. 13 A Participants on that call were Catherine 14 Miolla, Melanie Freiberg, Aubry McMahon. 15 Q Anybody else, to your knowledge or 16 recollection? 17 A No. 18 Q If you can, Ms. Freiberg, please tell me 19 everything you can remember about that telephone 20 call. 21 A So I began -- so my recollection is that 22 I began speaking. I -- I believe I congratulated 23 Ms. McMahon on being -- you know, being about to -- 24 to have a baby. I asked her about her e-mail and 25 whether she intended to say that -- she intended</p>
<p>1 M. Freiberg Page 99 2 e-mail, Catherine and I spoke with Ms. McMahon. 3 Q And with respect to that telephone call, 4 do you recall when it took place, give or take? 5 A I don't recall the time. 6 Q Would you say that it happened in the 7 morning? 8 A I would not say that it happened in the 9 morning. 10 Q Would you say that it happened in the 11 afternoon? 12 A Yes. 13 Q To the best of your recollection, would 14 you say that it happened in the afternoon before 15 3 o'clock p.m.? 16 A You know, it -- it could -- 17 MR. WARD: Objection as to form. 18 You may answer. 19 A We could confirm that, because there's, I 20 believe, another e-mail from Ms. McMahon where she 21 replies to -- to Catherine, so it would be after that 22 time. 23 Q Well, I'm asking you from your 24 recollection. Not what a document may or may not 25 say.</p>	<p>1 M. Freiberg Page 101 2 to -- to use the term "wife." And then I asked -- 3 I -- I reread her the -- the section of the script, 4 and reread that section to her to describe what the 5 examples were of conduct that were not acceptable or 6 that -- yeah, were not acceptable. And then I read 7 the question to her that included the question about 8 would she comply with those standards of conduct, and 9 then I read her response to her and I asked her if 10 that was accurate. 11 Q Okay. You told me a lot there about what 12 you said during that telephone call. 13 If you could please tell me what either 14 Aubry McMahon said or Catherine Miolla said. 15 A Aubry McMahon confirmed that she was 16 referencing her wife. And when I read the section of 17 the script to her, including her response of "I'm 18 aligned," she did not disagree. 19 Q Did she give any explanation as to that 20 section, or did she give any kind of further 21 discussion as it related to that? 22 MR. WARD: Objection as to form. 23 You may answer. 24 A Her response, though I don't know the 25 word for word, but it was along the lines of, I</p>

	Page 102	Page 104
1	M. Freiberg	M. Freiberg
2	understood that, but I thought if I was okay to work	telephone call that you can remember was discussed?
3	for an organization that believed what World Vision	3 A Not that I can remember, but I'm happy to
4	believes, then that would be sufficient. So again,	4 answer any questions you might have.
5	these are not exact words, but it's the gist of her	5 Q My only question right now is whether or
6	response.	6 not there's anything else from that phone call that
7	Q Was that a satisfactory response, in your	7 you can remember that was said between any of the
8	opinion?	8 people who participated in the call?
9	MR. WARD: Objection as to form.	9 A Then I do not.
10	You may answer.	10 Q Did you make a recording of that
11	A It was satisfactory in the sense that it	11 telephone call?
12	confirmed that the phone screen was not correct, that	12 A No. It isn't legal in Washington State
13	she was not in alignment with our standards of	13 to record somebody without their consent.
14	conduct.	14 Q Do you know if World Vision made a
15	Q And so is it possible that somebody could	15 recording of that phone call?
16	be in alignment with the standards of conduct as it	16 A World Vision did not record that call.
17	relates to same-sex marriage, but yet be in a	17 Q Did you ever come to learn that someone
18	same-sex marriage?	18 had recorded at least a portion of that phone call?
19	MR. WARD: Objection as to form.	19 A I did come to learn that Aubry recorded
20	A It would not be possible in a same-sex	20 that without my consent.
21	marriage to comply with the expectation surrounding	21 Q Did Catherine Miolla speak at all during
22	marriage.	22 that telephone call in which you, Aubry, and her were
23	Q Aside from what you've just told me as it	23 participants?
24	relates to what you said during this telephone call	24 A I believe Catherine introduced me
25	and what Aubry McMahon said during this telephone	25 initially, but I -- Catherine did not say anything
	Page 103	Page 105
1	M. Freiberg	M. Freiberg
2	call, what else was said, if at all, that you can	2 further other than possibly goodbye.
3	remember?	3 Q I would like to show you or produce for
4	A I remember questions on her part about	4 you what will be marked as Plaintiff's Exhibit 10.
5	whether, you know, the offer was rescinded because	5 It is an MP3 file which has been exchange during
6	she was gay, whether the offer was rescinded because	6 discovery in this case bearing file name IMG,
7	she was in a same-sex marriage, about World Vision's	7 underscore, 5098, space, 3.
8	ability to legally do that, so there were -- there	8 (WHEREUPON, the above-referred-to
9	were questions along those lines.	9 document, IMG_5098 3.mps, was deemed marked as
10	Q And from your recollection, how did you	10 Plaintiff's Exhibit 3, for identification, as
11	answer each of those questions?	11 of this date.)
12	A I attempted to respond to the questions	12 MR. WOLNOWSKI: We're off the record.
13	in a way that described that World Vision, as a	13 (Discussion held off the record)
14	religious organization, could require certain	14 (WHEREUPON, the audio, what was deemed
15	expectations surrounding faith as well as conduct	15 marked Plaintiff's Exhibit 10, was played and
16	standards -- and I'm just trying to think about other	16 transcribed as follows:)
17	things I said. That -- you know, that ultimately the	17 "SPEAKER 1: Yeah, I understand. So, um,
18	offer was not rescinded because she was gay or	18 the offer's being -- what's that word? Sorry.
19	because she was in a same-sex marriage, but it was	19 "SPEAKER 2: Basically, pulled back.
20	because that her conduct would not -- would not	20 "SPEAKER 1: Okay. Is -- is that because
21	comply with our standards of conduct.	21 I'm in a same-sex relationship?
22	Q And this is what you -- you told her;	22 "SPEAKER 2: Well, it is because, um, the
23	correct?	23 standards of conduct, yeah, are to not have
24	A Yes.	24 any sexual con- -- conduct outside of
25	Q Is there anything else from that	25 marriage, and marriage is defined as being

	Page 106	Page 108
1	M. Freiberg	M. Freiberg
2	between a man and a woman. So that's --	2 A Yes, I agree with that.
3	that's the behavior that all employees have to	3 Q So based on this recording, to your
4	comply with.	4 understanding, was the offer of employment made to
5	"SPEAKER 1: Okay. I understand."	5 Aubry McMahon by World Vision Incorporated rescinded
6	Q Ms. Freiberg, were you able to hear that?	6 because she was LGBTQ, because she was in a same-sex
7	A Yes.	7 marriage, or for some other reason?
8	Q Did you recognize this audio file?	8 MR. WARD: Objection as to form.
9	A Yes.	9 A The reason that the offer was rescinded
10	Q Have you heard it before?	10 was for multiple reasons. The first, because we were
11	A Yes.	11 unable to reach her; and the second -- and unable to
12	MR. WOLNOWSKI: I'm going to go off the	12 reach her, and therefore concluded her e-mail was
13	record for a moment.	13 correct; and secondly, that she was not able to abide
14	(Discussion held off the record)	14 by our standards of conduct as she had previously
15	Q So, Ms. Freiberg, I can represent that	15 disclosed she could.
16	the audio in question that I just played for you	16 Q And the reason that she could not abide
17	which is moved and marked as Plaintiff's Exhibit 10	17 by the standards of conduct was because she was in a
18	is an audio file, namely, an MP3, which is 35 seconds	18 same-sex marriage; is that correct?
19	in length, and I will read what was said -- well,	19 MR. WARD: Objection as to form.
20	before I do that, though, let me ask you.	20 A Yes, that is correct.
21	Who were the two people speaking in this	21 Q So, Ms. Freiberg, was it because Aubry
22	audio recording?	22 McMahon was in violation of World Vision
23	A The two people speaking were Aubry	23 Incorporated's standards of conduct for employees as
24	McMahon and myself, Melanie Freiberg.	24 they related to her being in a same-sex marriage that
25	Q And what was said is the following:	25 this disqualifies her from working for World Vision
	Page 107	Page 109
1	M. Freiberg	M. Freiberg
2	Aubry: "I understand. So, um, the offer	2 Incorporated?
3	is being -- what's that word? Sorry."	3 MR. WARD: Objection as to form. It's
4	To which you responded: "Basically,	4 been asked and answered, I think.
5	pulled back."	5 But you may answer.
6	Aubry: "Okay. Is that because I'm in a	6 A Yes, I think I've already answered that.
7	same-sex relationship?"	7 Yes, that -- that is a correct statement.
8	You: "Well, it's because, um, the	8 And if I may elaborate, you know, World
9	standards of conduct, yeah, are to, um, not have any	9 Vision believes that marriage is ordained by God and
10	sexual conduct outside of marriage, and marriage is	10 is a biblical covenant between a man and a woman, and
11	defined as being between a man and a woman, so that's	11 that sexual conduct occurs within that biblical
12	the behavior that all employees have to comply with."	12 covenant of marriage; and therefore, being in a
13	To which Aubry responds: "Okay. I	13 same-sex marriage would preclude her from being able
14	understand."	14 to comply with our standards of conduct.
15	Ms. Freiberg, is that your understanding	15 Q And, in fact, did preclude her; correct?
16	of the telephone call or the portion thereof that was	16 A Yes.
17	just played for you?	17 Q In the audio that I just played for you,
18	A That is my understanding of the recording	18 you don't mention anything about the inability to
19	that was made without my consent, yes.	19 reach her or the lack of promptness in her responding
20	Q Would you agree that, as stated to Aubry	20 to e-mails to connect on a call as being a reason for
21	McMahon in this audio recording, that one reason the	21 the rescission of her job offer; is that correct?
22	offer of employment made by World Vision Incorporated	22 MR. WARD: I'm going to object as to
23	to her was being rescinded was because she was in a	23 form, and I'm going to object -- I think it's
24	same-sex marriage?	24 a misrepresentation.
25	MR. WARD: Objection as to form.	25 Q You can answer the question if you

	Page 110	Page 112
1	M. Freiberg	M. Freiberg
2	understand it, Ms. Freiberg.	document.)
3	A You know, ultimately, what was most	(Time noted: 6:20 p.m.)
4	material, it was the inability to comply with our	THE WITNESS: Okay. I've read it.
5	standards of conduct. So the rescission was on the	Q Ms. Freiberg, do you recognize the
6	basis of, without further contact with her, we	document that I've just shown you?
7	rescinded the offer; but once we had the confirming	A I do.
8	information, the decision was -- was sound, it -- it	Q Have you ever seen it before?
9	remained in -- in force.	A I have.
10	Q But my question, I think, is a little	Q Can you explain to me what it is?
11	more specific, so let me ask it a different way.	A It is our standards of conduct document
12	In the audio recording that I just played	that is attached to our business ethics and Christian
13	for you, did you say anything about her	conduct policy.
14	nonresponsiveness to e-mails as a reason for the	Q When you say "our," are you referring to
15	rescission of the job offer?	World Vision Incorporated?
16	MR. WARD: Counsel, I'm going to object.	A Yes.
17	That's argumentative, that's misrepresenting,	Q Was this document the standards of
18	and I'm going to object as to form.	conduct for which all employees of World Vision
19	MR. WOLNOWSKI: Any others?	Incorporated were required to conduct themselves as
20	MR. WARD: I may have a few if I think	of January of 2021?
21	about it, but let's be honest, Casey, you're	A Yes.
22	misrepresenting --	Q I'd like to direct your attention to the
23	MR. WOLNOWSKI: Please, just call me	second paragraph of the first page.
24	counselor on the record.	MR. WOLNOWSKI: Teri, if you could just
25	If she understands the question, she can	scroll up for me when you have a moment.
	Page 111	Page 113
1	M. Freiberg	M. Freiberg
2	answer.	THE REPORTER: (Complying)
3	A So I did not mention anything about not	Q I'd like to direct your attention to the
4	being able to get in touch with her in that	portion of the second paragraph that states -- it's
5	discussion that we had on January 8th.	in the middle -- "Therefore, all staff represent
6	Q I'd like to show you what will be marked	WVUS, and more importantly, to Gospel of Jesus
7	as Plaintiff's Exhibit 11.	Christ, in their work as well as in their private
8	(WHEREUPON, the above-referred-to	lives."
9	document, Bates-stamped WV-000035 through	With respect to this sentence, in
10	WV-000036, was marked as Plaintiff's	January of 2021, to your knowledge, was being
11	Exhibit 11, for identification, as of this	non-Christian a disqualifier as it related to become
12	date, and was displayed by the court	employed with World Vision Incorporated?
13	reporter.)	MR. WARD: Objection as to form.
14	MR. WARD: Counsel, what are the Bates	A Yes.
15	numbers on this, please?	Q I'd like to direct your attention to the
16	MR. WOLNOWSKI: Exhibit -- Plaintiff's	first sentence of the third paragraph. It starts
17	Exhibit 11 bears Bate-stamp numbers WV 35 and	with the words, "Through life," and reads, "Through
18	36. I will represent this is a document that	life, word, and deed, WVUS staff must be committed to
19	was exchanged during the discovery phase of	glorifying God and witnessing His love in the person
20	litigation.	of His son Jesus Christ in all aspects of their lives
21	Q If you could, Ms. Freiberg, please review	and work, calling others to a life-changing
22	and let me know once you've completed.	commitment to serve the poor in the name of Christ."
23	A Okay.	With respect to this sentence, I ask, to
24	(WHEREUPON, the witness was given the	your knowledge in January of 2021, was it the
25	opportunity to review the entirety of the	position of World Vision Incorporated that gay people

Page 114 1 M. Freiberg 2 were incapable of this by virtue of their lifestyle? 3 MR. WARD: I'm going to object to form, 4 to the extent it calls for a legal conclusion, 5 and foundation, frankly. 6 Q Do you understand the question, 7 Ms. Freiberg? 8 A Do I -- I need to answer that question? 9 Q Yes, please. And do so truthfully. 10 MR. WARD: To the extent you understand 11 it and have knowledge -- factual knowledge, 12 you can answer it. 13 MR. WOLNOWSKI: Please -- okay. Your 14 speaking objection is now serving as a 15 function to coach the witness. Please. 16 MR. WARD: I disagree, Counsel, but if -- 17 if you'd like to -- 18 MR. WOLNOWSKI: Thank you. 19 MR. WARD: -- you could ask -- 20 MR. WOLNOWSKI: Thank you. 21 MR. WARD: -- the witness -- 22 MR. WOLNOWSKI: If the witness 23 understands the question, she can respond. 24 Q Do you understand the question, 25 Ms. Freiberg?	Page 116 1 M. Freiberg 2 heading states, "Does WVUS have the right to have 3 such standards that address my behavior outside as 4 well as during my work hours?" 5 And underneath it, it responds, "Yes, it 6 does under decades of well-established law. The 7 religious freedom guaranteed in the First Amendment 8 to the U.S. Constitution as well as a number of 9 federal statutes, including the Civil Rights Act of 10 1964, guarantee that a church or religious 11 association such as WVUS has the right to consider 12 religious criteria in employment matters. This 13 includes the right to set and apply to job applicants 14 and employees standards of conduct that are based on 15 sincere religious belief." 16 In light of this section, Ms. Freiberg, 17 to your knowledge, in January of 2021, did this 18 section apply to applicants or employees for World 19 Vision Incorporated for all positions regardless of 20 duties or title? 21 A Yes. The standards of conduct, including 22 number 2, apply to all employees. 23 Q I'd like to direct your attention now to 24 number 3 on that page. 25 MR. WOLNOWSKI: If you could please
Page 115 1 M. Freiberg 2 A Can I ask Teri to please reread it? 3 MR. WOLNOWSKI: Yes, you may. 4 Teri, please reread it at your earliest 5 convenience. 6 (WHEREUPON, the previous question was 7 read by the court reporter.) 8 MR. WARD: Repeat all the same 9 objections. 10 A I don't think I can answer that question. 11 You know what I'm -- 12 Q Why do you think -- go ahead, I'm sorry. 13 A Yeah. I think what I'm qualified to 14 answer is what is required to work at World Vision, 15 but ultimately, I'm not in a position to describe, 16 you know, what World Vision believes people can or 17 cannot do. I know that World Vision -- you know, 18 we -- we love and serve all people, just as Jesus 19 did. What -- what my role is, is to apply our 20 standards of conduct against, you know, our current 21 and future staff. 22 Q I'd like to direct your attention to the 23 second page. 24 THE REPORTER: (Complying) 25 Q Under number 2, of which the subject	Page 117 1 M. Freiberg 2 scroll a little bit up, Ms. Ratner. 3 THE REPORTER: (Complying) 4 Q Have you had a chance to read section 3, 5 Ms. Freiberg -- 6 A Yes. I read it -- 7 Q -- in its entirety? 8 A I read it initially, yes. 9 Q I'd like to direct your attention to 10 "Examples of certain behaviors," and there is a 11 section that includes a number of bullet points. I'd 12 like to direct your attention to the third bullet 13 point going from bottom to top that state, "Sexual 14 conduct outside the biblical covenant of marriage 15 between a man and a woman." 16 A Okay. 17 Q To your knowledge, in January of 2021, 18 did this bullet point regard sexual conduct outside 19 marriage, being in a same-sex marriage, or both? 20 MR. WARD: Objection as to form. 21 A Well, this bullet applies to all people 22 regardless of their sexual orientation. It says that 23 sexual conduct outside of the biblical covenant is 24 between a man and a woman, you know, does not comply. 25 So it applies also to heterosexual people.

<p>1 M. Freiberg Page 118</p> <p>2 Q Ms. Freiberg, I'd like to show you what</p> <p>3 will be marked as Plaintiff's Exhibit 12. This is a</p> <p>4 document which was -- is Bates-stamped WV 35 to 36. A</p> <p>5 document which was exchanged during the discovery</p> <p>6 phase of this litigation.</p> <p>7 MR. WARD: I'm sorry, Counselor, did you</p> <p>8 say 35 to 36?</p> <p>9 Yeah, this is 35 to 36.</p> <p>10 MR. WOLNOWSKI: Yes. My apologies.</p> <p>11 That's an error on my part.</p> <p>12 To clarify the record, Plaintiff's</p> <p>13 Exhibit 12 is actually documents Bates-stamped</p> <p>14 WV 2852 to 2853.</p> <p>15 Q Ms. Freiberg, please review the document</p> <p>16 presented to you as Plaintiff's Exhibit 12, and let</p> <p>17 me know once you've completed doing so.</p> <p>18 (WHEREUPON, the above-referred-to</p> <p>19 document, Bates-stamped WV-002852 through</p> <p>20 WV-002853, was marked as Plaintiff's</p> <p>21 Exhibit 12, for identification, as of this</p> <p>22 date, displayed by the court reporter, and the</p> <p>23 witness was given the opportunity to review</p> <p>24 the entirety of the document.)</p> <p>25 (Time noted: 6:35 p.m.)</p>	<p>1 M. Freiberg Page 120</p> <p>2 experience as being a member of the HR team, do you</p> <p>3 know whether or not these additions existed for the</p> <p>4 position of customer service representative for World</p> <p>5 Vision Incorporated in January of 2021?</p> <p>6 A Your question was whether -- what -- did</p> <p>7 you say "addition"?</p> <p>8 Q No, conditions.</p> <p>9 A Oh, conditions.</p> <p>10 There is nothing that I read that</p> <p>11 appeared inconsistent, so I -- I -- I agree with that</p> <p>12 to the extent that I've seen this document.</p> <p>13 Q I'd like to direct your attention to the</p> <p>14 second page. It starts with the heading, "Employment</p> <p>15 and Sexual Orientation."</p> <p>16 THE REPORTER: (Complying)</p> <p>17 Q I'd like to read it into the record.</p> <p>18 Under this heading, it states, "We don't ask</p> <p>19 preemployment questions surrounding one's sexual</p> <p>20 orientation during the applicant process. We don't</p> <p>21 exclude from employment those with a same-sex</p> <p>22 orientation. We do expect that all employees,</p> <p>23 regardless of orientation, abide by our standards of</p> <p>24 conduct, which among other things, requires employees</p> <p>25 to remain abstinent outside of marriage between a man</p>
<p>1 M. Freiberg Page 119</p> <p>2 Q Ms. Freiberg, have you had an opportunity</p> <p>3 to review the document which has been marked as</p> <p>4 Plaintiff's Exhibit Number 12?</p> <p>5 A I have.</p> <p>6 Q Have you ever seen this document before?</p> <p>7 A No, I have not.</p> <p>8 Q After having reviewed it and having a</p> <p>9 familiarity with the hiring practices of World Vision</p> <p>10 Incorporated in general, does this document</p> <p>11 accurately reflect the hiring practices of World</p> <p>12 Vision Incorporated as they existed in January of</p> <p>13 2021?</p> <p>14 A Yes.</p> <p>15 Q Does this document regard individuals</p> <p>16 seeking employment in the position of customer</p> <p>17 service representative for World Vision Incorporated</p> <p>18 in January of 2021?</p> <p>19 MR. WARD: Objection as to form and</p> <p>20 foundation.</p> <p>21 You may answer.</p> <p>22 A I can only say that at the top of the</p> <p>23 document, it says, Hiring Practices, Donor Contact</p> <p>24 Services, dash, Confluence.</p> <p>25 Q So based upon your knowledge and</p>	<p>1 M. Freiberg Page 121</p> <p>2 and a woman.</p> <p>3 "We honor employees' privacy, assume the</p> <p>4 best about their commitments to abide by our</p> <p>5 standards of conduct, and don't look for involvement</p> <p>6 in the private lives of individuals. We take</p> <p>7 employees at their word in matters of their private</p> <p>8 lives, unless we have facts to the contrary. Our</p> <p>9 response to potential violations of our standards of</p> <p>10 conduct that come to our attention is to first ask</p> <p>11 employees about the situation and treat our employees</p> <p>12 with sensitivity, discretion, and care, along with</p> <p>13 providing an opportunity to align with our standards</p> <p>14 of conduct."</p> <p>15 With respect to approaching the situation</p> <p>16 involving the inconsistencies as they related to</p> <p>17 Aubrey McMahon's application materials, would you say</p> <p>18 that you, Ms. Freiberg, followed this section of the</p> <p>19 hiring practices document that I've showed you?</p> <p>20 MR. WARD: Objection as to form and</p> <p>21 foundation.</p> <p>22 A Well, I guess I -- I would just remind</p> <p>23 you that I was not a recruiter in the recruitment of</p> <p>24 Ms. McMahon. Catherine Miolla was. So I believe she</p> <p>25 followed the requirements that are in line with the</p>

<p>1 M. Freiberg Page 122 2 document and what you've just read. 3 Q So according to this document, it appears 4 to me that World Vision Incorporated allows the 5 employment of LGBTQ individuals, but if somebody is 6 in a same-sex marriage, this would be a disqualifier 7 for employment with World Vision Incorporated. 8 Would you agree with that interpretation? 9 MR. WARD: So I'm going to object as to 10 form, and as to prior testimony, and as to 11 foundation. 12 MR. WOLNOWSKI: I have not asked her 13 about this document prior to this line of 14 questioning. 15 MR. WARD: No, but she said she hasn't 16 seen this document before. 17 Q Do you understand the question, 18 Ms. Freiberg? 19 A I believe so. 20 Q Okay. 21 A So maybe the best way is just for me to 22 state World Vision's practice or approach. So World 23 Vision does not preclude an LGBTQ employee from 24 working at World Vision so long as they can comply 25 with our standards of conduct. And as we've looked</p>	<p>1 M. Freiberg Page 124 2 Q So what if somebody were gay but married 3 to somebody of the opposite sex, would that be a 4 disqualifier -- or rather -- let me strike that. Let 5 me rephrase. 6 What if somebody were gay but married to 7 somebody from the opposite sex, would they be -- have 8 been able to work for World Vision Incorporated in 9 January of 2021? 10 MR. WARD: Objection as to form. 11 A An individual can work for World Vision 12 so long as their conduct remains -- their sexual 13 conduct remains within a covenant of marriage between 14 a man and a woman. So in your example, the person 15 may be gay, but their sexual activity was confined to 16 the spouse that they had of the opposite gender. 17 Q So is the policy as it relates to 18 same-sex marriage born out of prohibition of sexual 19 conduct with another person, or is it born out of 20 being contrary to a traditional man-woman marriage? 21 MR. WARD: I'm going to object as to 22 form. 23 You may answer. 24 A Well, the first part of the sentence in 25 our conduct expectation is about sexual conduct. So</p>
<p>1 M. Freiberg Page 123 2 before, that means that sexual conduct occurs within 3 the biblical covenant of marriage. And marriage is 4 between a man and a woman. So -- 5 Q So if -- I'm sorry, go ahead. 6 A Yeah. So it's the conduct expectation 7 versus the status of someone -- someone's orientation 8 that is the behavior that precludes them from 9 employment at World Vision. 10 Q So if somebody is gay, that's not a 11 disqualifier to work at World Vision in January of 12 2021; correct? 13 A That is correct. 14 Q However, if somebody were gay and married 15 to a person of the same sex as them, that would serve 16 as a disqualifier to work for World Vision 17 Incorporated in January of 2021; is that correct? 18 MR. WARD: Objection. Objection as to 19 form. 20 You may answer. 21 A It does on the basis that World Vision's 22 belief of marriage is between a man and a woman, and 23 that sexual conduct occurs within marriage. And so 24 it is on that basis that someone in a same-sex 25 marriage would be disqualified.</p>	<p>1 M. Freiberg Page 125 2 it's that sexual conduct occurs within marriage, and 3 then marriage is further defined as being between a 4 man and a woman. 5 Q So it's fair to say that it's -- in 6 essence, covers two different types of conduct; is 7 that correct? 8 MR. WARD: Objection as to form. 9 You may answer. 10 A Yeah, it -- it -- I think the way I think 11 about it is that it covers the sexual conduct first, 12 and then defines marriage to supplement that definition. 13 Q Understood. 14 If Aubry McMahon had been male and 15 married to a woman, would she have been in violation 16 of World Vision Incorporation standards of conduct 17 for employees? 18 MR. WARD: Objection as to form. 19 You may answer. 20 A If Aubry McMahon was a man married to a 21 woman and engaging in sexual conduct, that would not 22 be in violation of our standards of conduct. 23 Q If Aubry McMahon had been a male and 24 married to a woman, would the offer of employment</p>

<p style="text-align: right;">Page 126</p> <p>1 M. Freiberg</p> <p>2 extended to her on about January 5th, 2021 been</p> <p>3 rescinded by World Vision Incorporated?</p> <p>4 MR. WARD: Objection as to form.</p> <p>5 You may answer.</p> <p>6 A If Aubry McMahon were a man and she were</p> <p>7 married to a female and would have responded the way</p> <p>8 she did to the question to say that he, in this case,</p> <p>9 were -- were in compliance, then that would have met</p> <p>10 our criteria and the subsequent e-mail to say, My</p> <p>11 wife and I are expecting a baby, would not have</p> <p>12 required a further conversation with him.</p> <p>13 Q And to that end, her off- -- her offer of</p> <p>14 employment would not have been rescinded; is that</p> <p>15 correct?</p> <p>16 MR. WARD: Objection as to form.</p> <p>17 You may answer.</p> <p>18 A Well, in this case, it would have been</p> <p>19 his offer would not have been rescinded, because we</p> <p>20 described that scenario to be Aubry McMahon as a man.</p> <p>21 Q He also wouldn't have been having a baby,</p> <p>22 though, too; right?</p> <p>23 A Well, his wife was having the baby.</p> <p>24 Q If Aubry McMahon had been born</p> <p>25 biologically a female, yet converted to being a male</p>	<p style="text-align: right;">Page 128</p> <p>1 M. Freiberg</p> <p>2 that question. I -- I have not encountered that</p> <p>3 situation, so I would be seeking guidance.</p> <p>4 MR. WOLNOWSKI: Let's take a five-minute</p> <p>5 break, and we'll be back in five minutes.</p> <p>6 Off the record, I have 6:48.</p> <p>7 MR. WARD: Very good.</p> <p>8 Thank you.</p> <p>9 (WHEREUPON, a brief recess was taken,</p> <p>10 after which the following transpired:)</p> <p>11 (Time noted: 6:54 p.m.)</p> <p>12 MR. WOLNOWSKI: Okay. I don't have any</p> <p>13 further questions, Ms. Freiberg.</p> <p>14 Thank you very much.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 MR. WOLNOWSKI: We can go off the record.</p> <p>17 THE REPORTER: Well, before we do that,</p> <p>18 can I do housekeeping?</p> <p>19 This is a federal case, so that means,</p> <p>20 who's going to be taking copies of the</p> <p>21 transcript?</p> <p>22 MR. WOLNOWSKI: Well, I'll certainly be,</p> <p>23 you know, purchasing copies, and ordinarily, I</p> <p>24 exchange copies with opposing counsel. So</p> <p>25 I'll only pay for one copy and I'll be</p>
<p style="text-align: right;">Page 127</p> <p>1 M. Freiberg</p> <p>2 at the time that he had applied for employment with</p> <p>3 World Vision Incorporated, would he have been in</p> <p>4 violation of World Vision Incorporated standards of</p> <p>5 conduct for employees?</p> <p>6 MR. WARD: I am going to object to form,</p> <p>7 and calling for speculation. I'm not sure</p> <p>8 about the latitude because you just keep</p> <p>9 posing hypotheticals.</p> <p>10 MR. WOLNOWSKI: Well, Rule 26 is very</p> <p>11 broad. I can ask her any question that are</p> <p>12 reasonably calculated to lead to discovery of</p> <p>13 admissible evidence proportionate to the needs</p> <p>14 of the case.</p> <p>15 MR. WARD: If relevant to --</p> <p>16 MR. WOLNOWSKI: I think that that fits</p> <p>17 nicely within that broad -- broad allowance.</p> <p>18 MR. WARD: If relevant --</p> <p>19 Q With that said, Ms. Freiberg, if you can</p> <p>20 answer the question, please answer it.</p> <p>21 MR. WARD: Rule 26 says if relevant to</p> <p>22 the claims or defenses.</p> <p>23 Q Ms. Freiberg, if you understand the</p> <p>24 question, could you please answer it?</p> <p>25 A You know, I'm actually unable to answer</p>	<p style="text-align: right;">Page 129</p> <p>1 M. Freiberg</p> <p>2 providing a copy to them. I -- I'm hopeful</p> <p>3 that the professional courtesy is reciprocated</p> <p>4 with respect to the deposition transcript of</p> <p>5 Aubry.</p> <p>6 (Discussion held off the record)</p> <p>7 MR. SZYMANSKI: We'd like to request an</p> <p>8 expedited copy of the transcript by the 22nd.</p> <p>9 MR. WARD: And, Matthew, we -- we should</p> <p>10 pay the difference -- not Casey, but if</p> <p>11 there's an expedite charge.</p> <p>12 MR. SZYMANSKI: Yes. Yes. Yes. Cas- --</p> <p>13 we're not asking Casey to bear that.</p> <p>14 THE REPORTER: Okay. We're off the</p> <p>15 record at 7:00 p.m.</p> <p>16 (WHEREUPON, the examination of this</p> <p>17 witness was concluded at 7:00 p.m.)</p> <p>18</p> <p style="text-align: right;">MELANIE FREIBERG</p> <p>19</p> <p>20 Subscribed and sworn to before me</p> <p>21 this ____ day of ____ 2023.</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">NOTARY PUBLIC</p> <p>25</p>

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1	M. Freiberg		1	M. Freiberg	
2			2	ERRATA SHEET FOR THE TRANSCRIPT OF:	
3	I N D E X		3	Case Name: AUBRY MCMAHON v WORLD VISION, INC.	
4			4	Proceeding Date: February 16, 2023	
5	WITNESS	EXAMINATION BY	5	Deponent: MELANIE FREIBERG	
6	Melanie Freiberg	Mr. Wolnowski		Place: Remote Video Conference	
7			6	* PLEASE MAKE ANY CORRECTIONS/CHANGES BELOW AND	
8			7	NOTE THE REASON FOR SAME *	
9		EXHIBITS	8	PG / LN / NOW READS / SHOULD READ / REASON	
10			9	____/____/____/____/____/____	
11	PLAINTIFF'S		10	____/____/____/____/____/____	
12	EXHIBITS	DESCRIPTION	11	____/____/____/____/____/____	
13	EX 1	Bates-stamped WV-000048 through	12	____/____/____/____/____/____	
14		WV-000050	13	____/____/____/____/____/____	
15	EX 2	Bates-stamped WV-000078 through	14	____/____/____/____/____/____	
16		WV-000079	15	____/____/____/____/____/____	
17	EX 3	Bates-stamped WV-000080	16	____/____/____/____/____/____	
18	EX 4	Bates-stamped WV-000231 through	17	____/____/____/____/____/____	
19		WV-000232	18	____/____/____/____/____/____	
20	EX 5	Bates-stamped WV-002858	19	Under penalties of perjury, I declare that I have	
21	EX 6	Bates-stamped WV-000067 through	20	read the foregoing transcript and that the facts	
22		WV-000070	21	stated in it are true.	
23	EX 7	Bates-stamped WV-000240 through	22	MELANIE FREIBERG DATE	
24		WV-000244	23	Subscribed and sworn to before me	
25	EX 8	Bates-stamped WV-000242 through	24	this ____ day of ____ 2023.	
		WV-000241	25	NOTARY PUBLIC	
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2			2		
3	EXHIBITS (Continued:)		3	C E R T I F I C A T E	
4			4		
5	PLAINTIFF'S		5	I, THERESA RATIGAN, a Shorthand Reporter and	
6	EXHIBITS	DESCRIPTION	6	Notary Public of the State of New York, do hereby	
7	EX 9	Bates-stamped WV-000081 through	92	certify:	
8		WV-000082		That the witness whose examination is	
9	EX 10	IMG_5098 3.mps (deemed marked)	105	hereinbefore set forth, was duly sworn, and that such	
10	EX 11	Bates-stamped WV-000035 through	111	examination is a true record of the testimony given	
11		WV-000036		by such witness.	
12	EX 12	Bates-stamped WV-002852 through	118	I further certify that I am not related to any	
13		WV-002853		of the parties to this action by blood or marriage;	
14	(WHEREUPON, original exhibits marked			and that I am in no way interested in the outcome of	
15	during today's deposition were retained by			this matter.	
16	U.S. Legal Support.)			IN WITNESS WHEREOF, I have hereunto set my	
17				hand this 22nd day of February 2023.	
18	INFORMATION TO BE FURNISHED		18		
19	DESCRIPTION	PAGE/LINE	19		
20	Full e-mail chain re: Plaintiff's 4	53/24	20	THERESA RATIGAN	
21	Posting of specific job re: Plaintiff's 1	83/21			
22	Written training documentation relating to				
23	Plaintiff's 1, numbers 11 and 12	84/6			
24	Full e-mail re: Plaintiff 8	88/7			
25	"Script" document	89/19			

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